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BENTHAM'S FELICIFIC CALCULUS

JEREMY BENTHAM has one service yet to perform for students of the social sciences. He can help them to work free from that misconception of human nature which he helped their predecessors to formulate. This rôle of emancipator he plays in the following paper.

In the social sciences we are suffering from a curious mental derangement. We have become aware that the orthodox doctrines of economics, politics and law rest upon a tacit assumption that man's behavior is dominated by rational calculation. We have learned further that this is an assumption contrary to fact. But we find it hard to avoid the old mistake, not to speak of using the new knowledge. In our prefaces and introductory chapters some of us repudiate hedonism and profess volitional psychology or behaviorism. Others among us assert that economics at least can have no legitimate relations with psychology in any of its warring forms. In the body of our books, however, we relapse into reasonings about behavior that apply only to creatures essentially reasonable.

Bentham cannot help toward making the social sciences valid accounts of social behavior. But better than any one else he can help us to see the absurdity of the intellectualist fallacy we abjure and practise. For Bentham has no rival as an exponent of the delusions that haunt the backs of our heads, and gain control over our speculations when we are not thinking of psychology. The way to free ourselves from these delusions is to drag them into the light of full consciousness and make them face our other thoughts about behavior. We can perform this

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psycho-analytic operation upon our own minds best by assembling in orderly sequence the pertinent passages scattered through Bentham's writings.

I

Bentham dealt not only with many branches of jurisprudence —criminal law, evidence, procedure, codification, international law, constitutional law—but also with economics, psychology, penology, pedagogy, ethics, religion, logic and metaphysics. Yet all his books read as one. They work out a single idea in diverse materials. They apply the sacred principle of utility whether the subject matter be colonies or Christianity, usury or the classification of the sciences, the crimes of judges or the reformation of criminals.

But utilitarianism as such is not the differentiating characteristic of Bentham. A line of English philosophers running back at least to Richard Cumberland in 1672 had expounded that doctrine before him. About these predecessors Bentham knew little; but "Utilitarianism had been so distinctly in the air for more than a generation before he published his *Principles of Morals and Legislation* that he could not possibly have failed very substantially to profit by the fact."[1] Indeed, Bentham was conscious of doctrinal indebtedness to Hume, Hartley and Priestley in England, Helvetius in France, and Beccaria in Italy.[2] Among his own contemporaries Utilitarianism prevailed widely outside the circle of professed philosophers. The regnant theologian of the day, William Paley, was as grim an exponent of the sacred principle as Bentham himself.[3] In the English controversy about the French Revolu-

[1] Ernest Albee, A History of English Utilitarianism, 1902, p. 167.

[2] For Bentham's numerous references to these writers see the index of The Works of Jeremy Bentham, published under the superintendence of his executor, John Bowring, 11 volumes, Edinburgh, 1843.

[3] Compare Paley's famous definition of virtue: "the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness." Principles of Moral and Political Philosophy, bk. I, ch. vii (21st edition 1818, vol. i, p. 42). Further see Paley's remarks upon population in bk. vi, ch. xi. "The final view of all rational politics is, to produce the greatest quantity of happiness in a given tract of country . . . the quantity of happiness in a given district, although it is

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tion all parties agreed tacitly or explicitly in accepting utility as the final test of political institutions—Burke as well as Godwin, the respectable Whig Mackintosh as well as the agitator Tom Paine. And when Malthus, a clergyman, answered Godwin on the population issue he showed himself as good a utilitarian as his atheistical opponent.[1] No one has studied currents of English thinking in these times so thoroughly as Elie Halévy, and he remarks: "Towards the end of the eighteenth century, it is not only the thinkers, it is all the English who are speaking the language of utility."[2] "It was plain," he adds in another volume, "that the doctrine of utility was becoming the universal philosophy in England, and that the reformers must speak the language of utility if they wished their opinions to be understood—let alone accepted—by the public they were addressing."[3] This view certainly accords with Bentham's own impression as recorded in his commonplace book: "The opinion of the world (I am speaking of the people in this country) is commonly in favour of the principle of utility . . . ."[4]

What did distinguish Bentham from other utilitarians, what made him the leader of a school, what keeps his work instructive to this day, was his effort to introduce exact method into all discussions of utility. He sought to make legislation, economics, ethics into genuine sciences. His contemporaries were content to talk about utility at large; Bentham insisted

possible it may be increased, the number of inhabitants remaining the same, is chiefly and most naturally affected by alteration of the numbers: . . . consequently, the decay of population is the greatest evil that a state can suffer; and the improvement of it the object which ought, in all countries, to be aimed at in preference to every other political purpose whatsoever." Vol. ii, pp. 345–7.

[1] See particularly bk. iv, ch. iii, of the second and later editions of the Essay on the Principle of Population. For example, "I do not see how it is possible for any person, who acknowledges the principle of utility as the great foundation of morals, to escape the conclusion that moral restraint, till we are in a condition to support a family, is the strict line of duty. . . . " 2d. ed., 1803, p. 504.

[2] La Formation du Radicalisme Philosophique, 1901, vol. i, p. 231.

[3] *Ibid.*, vol. ii, pp. ii, iii.

[4] Works, vol. x, p. 141. Written sometime between Bentham's thirty-third and thirty-seventh years.

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upon measuring particular utilities—or rather, the net pleasures on which utilities rest.

The ideal of science which men then held was represented by celestial mechanics; its hero was Newton, whose system had been popularized by Voltaire; its living exemplars were the great mathematicians of the French Academy. Bentham hoped to become "the Newton of the Moral World." Among the mass of his papers left to University College Halévy has found this passage:

> The present work as well as any other work of mine that has been or will be published on the subject of legislation or any other branch of moral science is an attempt to extend the experimental method of reasoning from the physical branch to the moral. What Bacon was to the physical world, Helvetius was to the moral. The moral world has therefore had its Bacon, but its Newton is yet to come.[1]

II

Bentham's way of becoming the Newton of the moral world was to develop the "felicific calculus." There are several expositions of this calculus in his *Works*; but the first and most famous version remains the best to quote.[2]

> Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne.
>
> Hence to know what men will do, to tell what they should do, or to value what they have done, one must be able to measure varying "lots" of pleasure or pain. How are such measurements to be made?

[1] Halévy, Radicalisme Philosophique, vol. i, pp. 289, 290.

[2] "Introduction to the Principles of Morals and Legislation," Works, vol. i, pp. 1, 16. The exposition in "Logical Arrangements, or Instruments of Discovery and Invention employed by Jeremy Bentham," Works, vol. iii, pp. 286, 287 is a convenient summary. Another brief statement is given in "A Table of the Springs of Action," Works, vol. i, p. 206. The value of the calculus is best stated in the curious "Codification Proposal," Works, vol. iv, pp. 540–2. A more discursive version appears in ch. iv, of Deontology, vol. i (not included in the Works). As will appear below, several of the most important points are best explained in passages which remained unpublished until Halévy's day—see the notes and appendices of his first and third volume.

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To a person considered *by himself*, the value of a pleasure or pain considered *by itself*, will be greater or less, according to the four following circumstances: 1 Its *intensity*. 2 Its *duration*. 3 Its *certainty* . . . 4 Its *propinquity* . . . But when the value of any pleasure or pain is considered for the purpose of estimating the tendency of any *act* by which it is produced, there are two other circumstances to be taken into the account; these are, 5 Its *fecundity* . . . 6 Its *purity* . . . [When a community is considered, it is also necessary to take account of] 7 Its *extent*; that is, the number of persons to whom it *extends*. . . .

The unit of intensity is the faintest sensation that can be distinguished to be pleasure or pain; the unit of duration is a moment of time. Degrees of intensity and duration are to be counted in whole numbers, as multiples of these units. Certainty and propinquity are reckoned as fractions whose limit is immediate actual sensation; from this limit the fractions fall away. In applying the calculus, one begins with the first distinguishable pleasure or pain which appears to be produced by an act, multiplies the number of its intensity units by the number of duration units, and then multiplies this product by the two fractions expressing certainty and proximity. To bring in fecundity one computes by the preceding method the value of each pleasure or each pain which appears to be produced after the first one; the resulting values are to be added to the value previously obtained. To bring in purity one computes the values of all pains that attend a given series of pleasures, or of pleasures that attend a given series of pains; these values are to be subtracted from the preceding sums. That is, pleasure is a positive, pain a negative quantity. Since the unit of extent is an individual, one completes the computation by multiplying the net resultant pain or pleasure ascertained as above by the number of individuals affected. Usually however this last step is more complicated: not all the people affected are affected in the same way. In that case one does not multiply by the number of individuals, but makes a separate computation for each individual and then strikes the algebraic sum of the resultants.[1]

[1] "Principles of Morals and Legislation," Works, vol. i, p. 16, and extracts from Bentham's mss. published by Halévy in Radicalisme Philosophique, vol. i, p. 398 *et seq.*

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III

If these technical directions for measuring "lots" of pleasure and pain be taken seriously, the felicific calculus is a complicated affair at best. In addition it is beset by subtler and graver difficulties, some that Bentham saw clearly, others that he barely glimpsed. Unfortunately the disciples who pieced his manuscripts together into books did not think fit to publish his sharpest bits of insight into the haze, so that later writers had to rediscover much that their master had descried. The type of social science on which Bentham worked might have been completed and superseded much sooner than it was had his difficulties been made known in his own lifetime.

(1) That all comparisons of the feelings of different men are questionable Bentham was perfectly aware. In his *Principles of Morals and Legislation*, indeed, he enlarged upon this topic by discussing thirty-two "circumstances influencing sensibility" to pleasure and pain.[1] Since these thirty-two circumstances exist in an indefinite number of combinations, it would seem that the felicific calculus can scarcely be applied except individual by individual—a serious limitation. So long as he was thinking only of the problem of punishments Bentham accepted this conclusion. The legislator and the judge ought each to have before him a list of the several circumstances by which sensibility may be influenced: the legislator ought to consider those circumstances which apply uniformly to whole classes, for example, insanity, sex, rank, climate and religious profession; the judge ought to consider the circumstances which apply in varying degrees to each individual, for example, health, strength, habitual occupation, pecuniary circumstances etc.[2]

But as Bentham's problems widened he concluded that his calculus must apply to men at large, if it was to yield scientific

[1] Ch. vi. The list includes health, strength, firmness of mind, habitual occupations, pecuniary circumstances, sex, age, rank, education, climate, lineage, government, religious profession etc.

[2] Works, vol. i, pp. 31, 32. Compare the discussion of this theme in Bentham's essay "Of the Influence of Time and Place in Matters of Legislation," Works, vol. i, pp 172, 173, 180, 181.

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generalizations, although he still thought that this application rested upon an assumption contrary to fact. One manuscript found by Halévy runs:

'Tis in vain to talk of adding quantities which after the addition will continue distinct as they were before, one man's happiness will never be another man's happiness: a gain to one man is no gain to another: you might as well pretend to add 20 apples to 20 pears . . . This addibility of the happiness of different subjects, however when considered rigorously it may appear fictitious, is a postulatum without the allowance of which all political reasoning is at a stand: nor is it more fictitious than that of the equality of chances to reality, on which that whole branch of the Mathematics which is called the doctrine of chances is established.[1]

(2) Of course, this postulate of the "addibility" of the happiness of different men tacitly assumes that numerical values can be set on the feelings of each individual. But is that really true? Indeed, can any individual put a definite figure upon his own pleasures and pains, let alone compare them with the pleasures and pains of other men? The more Bentham dwelt upon this aspect of his calculus, the more difficulties he developed and the more assumptions he found necessary to his type of social science.

One fundamental doubt he sometimes overlooked, and sometimes admitted. Intensity is the first "element" in which feelings differ. Can any man count the intensity units in any one of his pleasures or pains, as he counts the duration units? Bentham usually assumes that he can, without telling how.

. . . the degree of intensity possessed by that pleasure which is the faintest of any that can be distinguished to be pleasure, may be represented by unity. Such a degree of intensity is in every day's experience: according as any pleasures are perceived to be more and more intense, they may be represented by higher and higher numbers. . . .[2]

In his *Codification Proposal*, however, Bentham frankly grants that intensity is not "susceptible of measurement."[3]

[1] Halévy, Radicalisme Philosophique, vol. iii, p. 481.

[2] *Ibid.*, vol. i, p. 398.

[3] Works, vol. iv, p. 542.

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(3) With a closely-related problem, Bentham wrestled frequently: can a man make quantitative comparisons among his qualitatively-unlike pleasures or pains?

The difficulty here was aggravated by one of Bentham's favorite ideas. He held that most of our feelings are complexes made up of simple elements. One of the tasks which he essayed was to enumerate exhaustively the "simple" pleasures and the "simple" pains, which like the elements in chemistry cannot be decomposed themselves, but which can combine with each other in the most diverse ways. In his *Principles of Morals and Legislation* he listed fourteen simple pleasures (counting nine alleged pleasures of the senses as one) and twelve simple pains.[1] In his *Table of the Springs of Action* he, or his editor, James Mill, modified the lists somewhat, but kept the general idea that in the last analysis our pleasures and pains are compounded of qualitatively unlike elements.[2] Now, if that be literally true, how can one apply the felicific calculus even in the case of a single individual? Some common denominator seems needed for the two dozen or more elements; but if there exists a common denominator, are not the elements themselves homogeneous?

When he wrote his *Principles of Morals and Legislation* Bentham did not discuss, perhaps did not think of these questions. Despite all the trouble he took to describe "the several sorts of pains and pleasures," he referred to pain and pleasure as "names of homogeneous real entities."[3] Throughout the book he assumed tacitly not only that different pains and different pleasures, but also that pains and pleasures are commensurable. Yet the one passage most to the present purpose shows that his method of comparing quantities was strictly limited. He says:

> The only certain and universal means of making two lots of punishment perfectly commensurable, is by making the lesser an ingredient in the composition of the greater. This may be done in either of two

[1] Works, vol. i, pp. 17–21.

[2] *Ibid.*, pp. 195–219.

[3] *Ibid.*, p. 22, footnote.

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ways. 1. By adding to the lesser punishment another quantity of punishment of the same kind. 2. By adding to it another quantity of a different kind.[1]

Indeed in this whole treatise Bentham relies upon classification, and not upon calculation.[2] He splits everything he discusses — pleasures, pains, motives, dispositions, offenses, "cases unmeet for punishment" etc.— into kinds, limits his quantitative comparisons to relations of greater and less, and makes even these comparisons chiefly among phenomena belonging to the same kind. He does indeed bid the authorities do things which imply bolder comparisons, as when he rules that "the value of the punishment must not be less in any case than . . . the profit of the offence;"[3] but he does not make such comparisons himself.

And yet Bentham did find a way of reducing qualitatively unlike pleasures and pains to a common denominator, and so of putting figures on felicity. There are traces of this method in his published works,[4] but much the best exposition remained in manuscript until Halévy's day. The following passages have peculiar interest as anticipations of Edgeworth's use of "indifference" and more definitely of Marshall's "money measures."

If of two pleasures a man, knowing what they are, would as lief enjoy the one as the other, they must be reputed equal. . . . If of two pains a man had as lief escape the one as the other, such two pains must be reputed equal. If of two sensations, a pain and a pleasure, a man had as lief enjoy the pleasure and suffer the pain, as not enjoy the first and not suffer the latter, such pleasure and pain must be reputed *equal*, or, as we may say in this case, *equivalent*.

If then between two pleasures the one produced by the possession of money, the other not, a man had as lief enjoy the one as the other, such pleasures are to be reputed equal. But the pleasure produced by the possession of money, is *as* the quantity of money that produces it:

[1] Works, vol. i, p. 92.

[2] Compare Halévy, vol. i, pp. 47, 48.

[3] Works, vol. i, p. 87.

[4] For example, "Codification Proposal," Works, vol. iv, pp. 540–2; Deontology, vol. i, pp. 76, 131, 192.

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money is therefore the measure of this pleasure. But the other pleasure is equal to this; the other pleasure therefore is as the money that produces this; therefore money is also the measure of that other pleasure. It is the same between pain and pain; as also between pain and pleasure.

. . . If then, speaking of the respective quantities of various pains and pleasures and agreeing in the same propositions concerning them, we would annex the same ideas to those propositions, that is, if we would understand one another, we must make use of some common measure. The only common measure the nature of things affords is money. . . .

I beg a truce here of our man of sentiment and feeling while from necessity, and it is only from necessity, I speak and prompt mankind to speak a mercenary language. . . . Money is the instrument for measuring the quantity of pain or pleasure. Those who are not satisfied with the accuracy of this instrument must find out some other that shall be more accurate, or bid adieu to Politics and Morals.[1]

(4) That Bentham did not follow up this promising lead was due to a further difficulty. Every time he began thinking about money measures of feeling he was checked by the diminishing utility of wealth. The "quantity of happiness produced by a particle of wealth (each particle being of the same magnitude) will be less and less at every particle; the second will produce less than the first, the third than the second, and so on."[2] ". . . for by high dozes of the exciting matter applied to the organ, its sensibility is in a manner worn out."[3] Consider the monarch with a million a year and the laborer with twenty pounds:

The quantity of pleasure in the breast of the monarch will naturally be greater than the quantity in the breast of the labourer: . . . But . . . by how many times greater? Fifty thousand times? This is assuredly more than any man would take upon himself to say. A thousand times, then?—a hundred?—ten times?—five times?—twice?—which of all these shall be the number? . . . For the monarch's, taking all pur-

[1] Halévy, vol. i, pp. 410, 412, 414.

[2] "Pannomial Fragments," Works, vol. iii, p. 229.

[3] "Constitutional Code," Works, vol. ix, p. 15.

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poses together, *five times* the labourer's seems a very large, not to say an excessive allowance: even *twice*, a liberal one.[1]

Quite apart from differences in the sensibility of different men to pleasure, then, equal sums of money can by no means be supposed to represent equal quantities of feeling.

Once, at least, Bentham thought he had found a solution of this difficulty. In the manuscript last quoted he argues:

. . . money being the current instrument of pleasure, it is plain by uncontrovertible experience that the quantity of actual pleasure follows in every instance in some proportion or other the quantity of money. As to the law of that proportion nothing can be more indeterminate. . . . For all this it is true enough for practice with respect to such proportions as ordinarily occur (var.: small quantities), that *cæteris paribus* the proportion between pleasure and pleasure is the same as that between sum and sum. So much is strictly true that the ratios between the two pairs of quantities are nearer to that of equality than to any other ratio that can be assigned. Men will therefore stand a better chance of being right by supposing them equal than by supposing them to be any otherwise than equal. . . .

Speaking then in general, we may therefore truly say, that in small quantities the pleasures produced by two sums are *as* the sums producing them.[2]

This passage lies on the frontier of Bentham's realm of thought. It shows that the idea of dealing with small increments of feeling occurred to him, as a method of avoiding the embarrassment caused by diminishing utility and still using money as a common denominator. But all this was rather dim; the idea did not develop vigorously in his mind. He missed, indeed, two notions that his disciples were to exploit later on: Bernoulli's suggestion that, after bare subsistence is provided, a man's pleasure increases by equal amounts with each equal successive percentage added to his income; and the plan of concentrating attention upon the increments of pleasure or pain at the margin.

[1] "Codification Proposal," Works, vol. iv, p. 541.

[2] Halévy, vol. i, pp. 406, 408, 410.

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The net resultant of all these reflections upon the felicific calculus collected from Bentham's books and papers might be put thus: (1) The intensity of feelings cannot be measured at all; (2) even in the case of a single subject, qualitatively unlike feelings cannot be compared except indirectly through their pecuniary equivalents; (3) the assumption that equal sums of money represent equal sums of pleasure is unsafe except in the case of small quantities; (4) all attempts to compare the feelings of different men involve an assumption contrary to fact. That is a critic's version of admissions wrung from Bentham's text; a disciple's version of his master's triumphs might run: (1) The felicific calculus attains a tolerable degree of precision since all the dimensions of feeling save one can be measured;[1] (2) the calculus can handle the most dissimilar feelings by expressing them in terms of their monetary equivalents; (3) in the cases which are important by virtue of their frequency, the pleasures produced by two sums of money are as the sums producing them; (4) taken by and large for scientific purposes men are comparable in feeling as in other respects. . . . Heat these two versions in the fire of controversy and one has the substantial content of much polemic since Bentham's day.

IV

The quintessence of Bentham's social science is the double rôle played by the felicific calculus. On the one hand this calculus shows how the legislator, judge and moralist ought to proceed in valuing conduct; on the other hand it shows how all men do proceed in guiding conduct. That is, Bentham blends utilitarian ethics with a definite theory of functional psychology. The ethical system has been more discussed, but the psychological notions are more important to students of the social sciences.

1. Human nature is hedonistic. It is for pain and pleasure alone "to determine what we shall do . . . They govern us in all we do, in all we say, in all we think: . . ." These words r om the first paragraph of *Principles of Morals and Legislation*

[1] This is substantially Bentham's own language. "Codification Proposal," Works, vol. iv, p. 542.

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put simply the leading idea. "Nothing"—Bentham remarks in *A Table of the Springs of Action*, "nothing but the expectation of the eventual enjoyment of pleasure in some shape, or of exemption from pain in some shape, can operate in the character of a *motive*. . . ."[1]

The psychological processes by which pleasure incites to action are more fully described in later passages. "Every operation of the mind, and thence every operation of the body," says the *Essay on Logic*, "is the result of an exercise of the will, or volitional faculty."[2] The relations between will and intellect are explained by the *Table of the Springs of Action*:

To the *will* it is that the idea of a pleasure or an exemption [from pain] applies itself in the *first* instance; in *that* stage its effect, if not conclusive, is *velleity*: by velleity, reference is made to the *understanding*, viz. 1. For striking a *balance* between the *value* of this *good*, and that of the *pain* or *loss*, if any, which present themselves as eventually about to stand associated with it: 2. Then, if the balance appear to be in its favour for the choice of *means*: thereupon, if *action* be the result, *velleity* is perfected into *volition*, of which the correspondent *action* is the immediate consequence. For the process that has place, this description may serve alike in *all* cases: *time* occupied by it may be of any length; from a minute fraction of *a second*, as in ordinary cases, to any number of years.[3]

2. Human nature is rational. There is nothing in the felicific calculus "but what the practice of mankind, wheresoever they have a clear view of their own interest, is perfectly conformable to." This passage from Chapter IV of the *Principles*[4] is supported in Chapter XVI by an answer to the objection that "passion does not calculate." But, says Bentham:

When matters of such importance as pain and pleasure are at stake, and these in the highest degree (the only matters, in short, that can be of importance) who is there that does not calculate? Men calcu-

[1] Works, vol. i, p. 215.
[2] *Ibid.*, vol. viii, p. 279.
[3] *Ibid.*, vol. i, p. 209.
[4] *Ibid.*, vol. i, p. 17.

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late, some with less exactness, indeed, some with more: but all men calculate. I would not say, that even a madman does not calculate. Passion calculates, more or less, in every man: in different men, according to the warmth or coolness of their dispositions: according to the firmness or irritability of their minds: according to the nature of the motives by which they are acted upon. Happily, of all passions, that is the most given to calculation, from the excesses of which, by reason of its strength, constancy, and universality, society has most to apprehend: I mean that which corresponds to the motive of pecuniary interest: . . .[1]

3. Human nature is essentially passive. Men do not have propensities to act, but are pushed and pulled about by the pleasure-pain forces of their environments.

. . . on every occasion, *conduct*—the *course* taken by a man's conduct—is at the absolute command of—is the never failing result of—the *motives*,—and thence, in so far as the corresponding interests are perceived and understood, of the corresponding *interests*,—to the action of which, his mind—his will—has, on that same occasion, stood exposed.[2]

Of course, this view of human nature as a passive element in the situation greatly simplifies the task of social science. Whenever one can make out what it is to men's interest to do, one can deduce what they will do. The only uncertainty arises from the actor's imperfect comprehension of his interest, of which more in a moment.

Human nature is also passive in the sense that men are averse to work. In his *Table of the Springs of Action*, Bentham includes both pleasures and pains of the palate, of sex, of wealth, of amity, of reputation, and so on through eleven heads until he comes to labor—under that head he recognizes nothing but pains. If any pleasure in activity is to be found in this table we must read it into the pleasures of power or of curiosity.[3] Enlarging upon this point, Bentham says "*Aversion*—

[1] Works, vol. i, pp. 90, 91. Compare the similar passage in Principles of Penal Law, vol. i, p. 402.

[2] "A Table of the Springs of Action," Works, vol. i, p. 218.

[3] This omission of pleasure in labor is clearly no oversight; indeed it must represent

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not *desire*—is the emotion—the only emotion—which *labour*, taken by itself, is qualified to produce: of any such emotion as *love* or *desire, ease*, which is the *negative* or *absence* of labour—*ease*, not *labour*—is the object." [1]

4. Since men ought to follow the course which will secure them the greatest balance of pleasure, and since they do follow that course so far as they understand their own interests, the only defects in human nature must be defects of understanding.

Indigenous intellectual weakness—*adoptive* intellectual weakness—or, in one word, *prejudice—sinister interest* (understand self-conscious sinister interest)—lastly, *interest-begotten* (though not self-conscious) *prejudice*—by one or other of these denominations, may be designated (it is believed) the cause of whatever is on any occasion amiss, in the opinions or conduct of mankind.[2]

There is no such thing as a bad motive—or a disinterested action—but men may blunder.

Similarly, whatever lack of uniformity in human nature we find must be due to differences in men's intellectual machinery for calculating pleasures and pains. Such is the sole reason for the gulf that separates civilized men from savages. In "the variety and extent of the ideas with which they have been impressed . . . may be seen the only cause of whatsoever difference there is between the mind of a well educated youth under the existing systems of education, and the mind of the Esquimaux, or the New Zealand savage at the same age." [3] Men do vary in sensibility, as we have seen; but the thirty-two "circumstances influencing sensibility" [4] act by associating the

a deliberate change of opinion; for in his Introduction to the Principles of Morals and Legislation Bentham had included "The pleasures of skill, as exercised upon particular objects. . . . ". Works, vol. i, p. 18.

[1] Works, vol. i, p. 214. In "Chrestomathia" Bentham discusses the "pain of ennui." "Ennui is the state of uneasiness, felt by him whose mind unoccupied, but without reproach, is on the look out for pleasure . . . and beholds at the time no source which promises to afford it . . . the pain of ennui soon succeeds to the pleasure of repose." Works, vol. viii, p. 8.

[2] "Springs of Action," Works, vol. i, p. 217.

[3] "Chrestomathia," Works, vol. viii, p. 11.

[4] "Introduction to the Principles of Morals and Legislation," Works, vol. i, p. 22.

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motor ideas of pleasure and pain with the ideas of different objects or actions. So Bentham asserts, "Legislators who, having freed themselves from the shackles of authority, have learnt to soar above the mists of prejudice, know as well how to make laws for one country as for another." They must master the peculiar local circumstances affecting sensibility—that is all.[1] In the *Codification Proposal addressd by Jeremy Bentham to all Nations professing Liberal Opinions* he even argues that a foreigner is in a better position to draft a general code of laws than a native.[2]

The understanding, it will be noted, is conceived as a matter of associations among ideas. As hedonism explains the functioning of mind, so the "association principle" explains the structure of mind. Bentham derived this principle from Hartley, and left its working-out to James Mill.[3]

5. Since whatever is amiss in the opinions or conduct of mankind is due to "intellectual weakness, indigenous or adoptive," education must be the one great agency of reform. And since the understanding is made up of associations among ideas, the forming and strengthening of proper associations must be the great aim of education.

In the possibility of establishing almost any desired associations in a child's mind, and even in the possibility of dissolving old and forming new associations in an adult mind Bentham had considerable faith. "As respects pleasures, the mind of man possesses a happy flexibility. One source of amusement being cut off, it endeavours to open up another, and always succeeds: a new habit is easily formed. . . ."[4] Hence Bentham's interest in the educational experiments of the day, hence the time he spent in planning a "chrestomathic school . . . for the use of the middling and higher ranks in life," hence his financial

[1] "Influence of Time and Place in Matters of Legislation," Works, vol. i, pp. 180, 181.

[2] Works, vol. iv, pp. 561–3.

[3] Works, vol. x, p. 561; Mill's Analysis of the Phenomena of the Human Mind appeared in 1829, three years before Bentham's death.

[4] "Principles of Penal Law," Works, vol. i, p. 436.

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support of Robert Owen's scheme of industrial education at New Lanark, hence his claims for the Panopticon Penitentiary as "a mill for grinding rogues honest, and idle men industrious."[1]

In a larger sense, Bentham conceived all his work on law as part of an educational program. "The influence of government," says one of Dumont's treatises, "touches almost everything, or rather includes everything, except temperament, race, and climate. . . . The manner of directing education, of arranging employments, rewards, and punishments determines the physical and moral qualities of a people."[2] A sharper point and a graver meaning were given to this task by Bentham's slow discovery that men do not all spontaneously desire "the greatest happiness of the greatest number."[3] Thereafter the "self-preference principle" was a regular component of human nature as Bentham saw it, and the great task of statecraft was to contrive cunning devices by which necessarily selfish individuals must serve the pleasure of others to get pleasure for themselves. While Adam Smith and his disciples assumed that a

[1] See "Chrestomathia," Works, vol. viii, and the following passages in Bowring's life of Bentham—Works, vol. x, pp. 476, 477, 226.

Bentham once suggested—not more than half in jest—that "metaphysics" might be made an experimental science by applying his "inspection-house principle" to the training of children. That plan would enable the instructor to determine what sensible objects, conversation, books should have part in forming the child's mind. Then, "The geneology of each observable idea might be traced through all its degrees with the utmost nicety: the parent stocks being all known and numbered." "Panopticon," Works, vol. iv, p. 65.

Mr. C. E. Ayers has just propounded a modern version of this suggestion. Epistemology, he argues, is becoming a science, "whence comes the mental content of every man's mind, what are the limitations that are imposed upon that content by its sources? The solution of this problem lies along the path of the investigation of the social sources of all mental content and of the limitations which are imposed upon the human mind by the fact that it is always the product of some particular environment and so must always receive an environmental bias. This investigation is the business of social psychology." *Journal of Philosophy, Psychology and Scientific Methods*, January 17, 1918; vol. xv, p. 43.

[2] Quoted by Halévy, vol. i, pp. 139.

[3] In his earlier period Bentham had tacitly assumed that the authorities would spontaneously adopt any plan that promised to increase social happiness. It took him sixty years to learn that the authorities were seeking their own happiness, not that of the nation. See his own account of how his eyes were opened, Works, vol. x, pp. 79, 80 and vol. i, pp. 240–259.

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natural identity of interests bound men together in economic affairs, Bentham thought it necessary to establish an artificial identity of interests in law and politics.[1] The ruler himself was to be kept in tutelage his whole life long.

But robust as was Bentham's faith in the potency of schools and government to improve man's character and lot, it was modest in comparison with the expectations cherished by certain among his masters and his contemporaries. Helvetius and Priestley, Condorcet, William Godwin and Robert Owen believed in the "perfectability" of man. Bentham put his views in opposition to Priestley's:

> Perfect happiness belongs to the imaginary regions of philosophy, and must be classed with the universal elixir and the philosopher's stone. In the age of greatest perfection, fire will burn, tempests will rage, man will be subject to infirmity, to accidents, and to death. It may be possible to diminish the influence of, but not to destroy, the sad and mischievous passions. The unequal gifts of nature and of fortune will always create jealousies: there will always be opposition of interests; and, consequently, rivalries and hatred. Pleasures will be purchased by pains; enjoyments by privations. Painful labour, daily subjection, a condition nearly allied to indigence, will always be the lot of numbers. Among the higher as well as the lower classes, there will be desires which cannot be satisfied; inclinations which must be subdued: reciprocal security can only be established by the forcible renunciation by each one, of every thing which might wound the legitimate rights of others.[2]

V

Social science nowadays aims to give an intelligible account of social processes, to promote the understanding of social facts. While we may value such "science" mainly for its practical serviceability, we profess to distinguish sharply between our explanations of what is and our schemes of what ought to be.

[1] The contrast between these two views of the relations between society and the individual is one of the chief points developed fully by Halévy in the course of his three volumes. See particularly his first and last chapters.

[2] "Of the Influence of Time and Place on Matters of Legislation," Works, vol. i, pp. 193, 194.

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In Bentham's world, on the contrary, the felicific calculus yields a social science that is both an account of what is and an account of what ought to be. For on the one hand "the chain of causes and effects" and on the other hand "the standard of right and wrong" are fastened to the throne of our two sovereign masters—whose books the felicific calculus keeps.[1] Indeed, of the two aspects of the science the more reliable, and therefore the more scientific, is the account of what ought to be. The account of what is holds only in so far as men understand their own interests—that is, associate the ideas of pleasure and pain with the ideas of the proper objects and acts. Really to account for what is, on Bentham's basis, one would have either to observe with elaborate care what men do, or to work out their defects of understanding and deduce the consequences for conduct. Needless to say Bentham spent little time on such procedures.

Bentham plumed himself, indeed, upon assigning priority to normative science—in strict accordance with his philosophy. He writes:

When I came out with the principle of utility, it was in the *Fragment*, I took it from Hume's *Essays*, Hume was in all his glory, the phrase was consequently familiar to every body. The difference between Hume and me is this: the use he made of it, was—to account for that which *is*, I to show what *ought to be*.[2]

Practical conclusions regarding what ought to be done, then, were the chief product of Bentham's science. That, indeed, was what made Bentham the leader of the Utilitarians or philosophical radicals, who were first and foremost reformers.

[1] "Principles of Morals and Legislation," Works, vol. i, p. 1.

[2] From a manuscript found by Halévy, Radicalisme Philosophique, vol. i, p. 282 Compare the "History of the Greatest-happiness Principle" given in Deontology, vol. i, pp. 293–4.

Like many a modern, Bentham held that the value of science consists in its subserviency to art—though he admits that in so far as science pleases it is an end in itself. ("Chrestomathia," Works, vol. viii, p. 27; "Manual of Political Economy," Works, vol. iii, p. 33). That is as true of his science of what ought to be as of his science of what is. The peculiarity of his position from the modern viewpoint is in conceiving his account of what ought to be as itself a science—not in aking a pragmatic view of science.

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But it must be admitted that Bentham's attitude upon the crucial problem of reform was not derived strictly from his science. The felicific calculus turned out to be a singularly versatile instrument. Men could make it prove what they liked by choosing certain assumptions concerning the relative importance of various imponderable factors, or concerning the relative sensitiveness to pleasure of different classes of people. Some assumptions have to be made on these heads before the argument can proceed far, and the assumptions which seem natural to the utility theorist are those which yield the conclusions in which he happens to believe on other than scientific grounds. "All history proves" anything that a writer has at heart. The felicific calculus is equally obliging.

Now Bentham and his school believed firmly in the institution of private property. They might have proved that property, despite its resulting inequalities of wealth, is necessary to produce the greatest amount of happiness if they had been willing to assume that the propertied classes are more sensitive to pleasure than the poor. For, if some men are better pleasure machines than others, then to maximize happiness more wealth—the most important raw material of pleasure—should be fed to the better machines than to the poorer ones. Such is the course Professor Edgeworth was to take many years later.[1] Bentham did not like that course: to make social science possible he felt obliged to assume that men are substantially alike in their capacity for turning commodities into pleasure. But he had another shift, just as effective, just as little needing proof to those who agreed with him, and just as unconvincing to a doubter.

Every code of laws that is to promote the greatest happiness, he argues, must do so by promoting "the four most comprehensive particular and subordinate *ends*, viz. *subsistence*, *abundance*, *security*, and *equality*."[2] "Equality is not itself, as security, subsistence, and abundance are, an immediate in-

[1] See his Mathematical Psychics, 1881, especially pp. 77–82.

[2] "Codification Proposal," Works, vol. iv, p. 561.

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strument of felicity."[1] It gets its claim upon us from the diminishing utility of wealth—other things being the same, a given quantity of wealth will produce more pleasure if distributed equally among a given population than if distributed unequally. But other things are not the same. Unless people had security in the possession of their wealth, they would not produce it, and so there would be nothing to distribute—equally or otherwise. Thus from the viewpoint of maximum happiness security is more important than equality. And granted security in enjoying the fruits of labor a certain inequality results. The conclusion is "that, so far as is consistent with security, the nearer to equality the distribution is, which the law makes of the matter of property among the members of the community, the greater is the happiness of the greatest number."[2]

> Equality . . . finds . . . in security and subsistence, rivals and antagonists, of which the claims are of a superior order, and to which, on pain of universal destruction, in which itself will be involved, it must be obliged to yield. In a word, it is not equality itself, but only a tendency towards equality, after all the others are provided for, that, on the part of the ruling and other members of the community, is the proper object of endeavour.[3]

VI

We have seen that Bentham relied upon the felicific calculus to make himself the Newton of the moral world—the felicific calculus which was to treat the forces pain and pleasure as Newton's laws treated gravitation. But he did not really frame a quantitative science of the Newtonian type. His calculus, indeed, bore little resemblance to the mathematical conceptions by which in his own day chemistry and crystallography were being placed upon a secure foundation. No man could apply Bentham's calculus in sober earnest, because no man could tell how many intensity units were included in any one of his pleasures—to go no

[1] "Constitutional Code," Works, vol. ix, p. 14.

[2] *Ibid.*, p. 18.

[3] Logical Arrangements, Works, vol. iii, p. 294. For still other expositions than the three cited above, see Pannomial Fragments, vol. iii, pp. 228–230; Leading Principles of a Constitutional Code for Any State, vol. ii, pp. 271–272.

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further. And indeed Bentham did not use the calculus as an instrument of calculation; he used it as a basis of classification. It pointed out to him what elements should be considered in a given situation, and among these elements *seriatim* he was often able to make comparisons in terms of greater and less—comparisons that few men would challenge, though Bentham might not be able to prove them against a skeptic. So his science as he elaborated it turned out to be much more like the systematic botany than like the celestial mechanics of his day. Bentham himself was a classifier rather than a calculator; he came nearer being the Linnæus than the Newton of the moral world.[1]

Far as he fell short of his dream, Bentham's line of attack upon social problems represented a marked advance upon the type of discussion common in his day—or in ours. Though he could not literally work out the value of any "lot" of pain or pleasure, he had a systematic plan for canvassing the probable effects of rival institutions upon the happiness of populations. By pinning debates conducted in "vague generalities" down to fairly definite issues he was often able to find a convincing solution for practical problems. The defects of the rival method if not the merits of his own stand sharply outlined in what Bentham says about the dispute between England and her American colonies:

> I . . . placed the question . . . on the ground of the greatest happiness of the greatest number, meaning always in both countries taken together. With me it was a matter of calculation: pains and pleasures, the elements of it. . . . No party had any stomach for calculation: none, perhaps, would have known very well how to go about it, if they had. The battle was fought by assertion. *Right* was the weapon employed on both sides. "We have a *right* to be as we now choose to be," said people on the American side. "We have a right to continue to make you what we choose you should be," said rulers on the

[1] Compare Bentham's own reference to Linnæus in Deontology, vol. i, p. 202; his discussion of his own "natural method" of classification by bi-partition—including the reference to botany in a footnote in Principles of Morals and Legislation, Works, vol. i, p. 139; and certain other references to the merits of classification in botany, Works, vol. vi, p. 442; vol. viii, pp. 121–6 and pp. 254, 255.

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English side. "We have a right to legislate over them, but we have no *right* to tax them," said Lord Camden, by way of settling the matter. . . .[1]

What he claimed for his results in his *Codification Proposal* may well be granted:

How far short soever this degree of precision may be, of the conceivable point of perfection . . . at any rate, in every rational and candid eye, unspeakable will be the advantage it will have, over every form of argumentation, in which every idea is afloat, no degree of precision being ever attained, because none is ever so much as aimed at.[2]

Probably every reader of this article will share the impression that Bentham's conception of human behavior is artificial to an extreme degree. That impression is not due, I think, to any trick in my exposition. Nor is it due to any quirk in Bentham's mind. He can hardly be charged with doing violence to the commonsense notions of his day, unless it be violence to develop and accept their full consequences. The real reason why we find the conception artificial is that we have another stock of ideas about behavior with which Bentham's ideas are incompatible. Our business is to be consistent as he was, and to use the set of ideas in which we believe as fully as he used the set in which he believed. Then if our ideas prove wrong, as is not unlikely, we may at least give later comers the same kind of help that Bentham now gives us.

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[1] Historical Preface to the Second Edition of A Fragment on Government, Works, vol. i, p. 248.

[2] Works, vol. iv, p. 542.

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LEGAL THEORIES OF PROFIT[1]

FOR centuries jurists and economists have studied the subject of profits, and their general analysis of the entrepreneur's income has grown constantly more complex. During the medieval period, the fair price of a commodity in England was its customary exchange value; and town guilds, common law courts, and even writers on industrial questions usually treated profit as a return for labor and effort spent in the production of economic goods. This was obviously a labor concept, but in many discussions of the time there appeared the risk theory, which conceded to the entrepreneur a return for the risk and trouble of employing capital productively. Indeed, both the labor and risk concepts of profit are to be found in the writings of the English and American economists down to this day; but in comparison with other profit theories, the former has occupied until recently the most secure position in the fields of law and economics. Stated concisely, one group of modern economists takes a conservative view of the entrepreneur function, and by a simple method represents his residual surplus as massed into a single but complex labor product, with many peculiarities.

In distinct contrast to this well-established view has arisen a more recent surplus-value theory, which explains the entrepreneur's profit as an unearned residual income above cost of production, and as largely the result of dynamic changes in industry. This important tenet has, therefore, found sufficient reason for its existence in the evolution of modern conditions; and the permanent foothold which it has secured in economic thought makes it an important element in any thorough analysis of the entrepreneur's income. To be sure, other modern doctrines of considerable importance present a variety of views which resemble more or less the labor theory, on the one side, or the

[1] By permission of the POLITICAL SCIENCE QUARTERLY this article appears simultaneously in the *Columbia Law Review* for June, 1918.

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surplus concept on the other; but it is the unusual importance and the wholly irreconcilable nature of these two main theories that have forced upon jurists and economists alike an inevitable division in economic thought, and made the subject of profits a burning question. Each theorist is partly right. But obviously the labor concept of profits cannot embrace the vast unearned surpluses of to-day arising from restraint of trade and predatory conquest. Neither is any surplus theory of profits scientifically sound which classifies as unearned the differential returns from reduced costs of production. Surely more efficient technical processes or better inventions yield a definite measure of earned income.

Clear it is, then, that no one view of profits is wholly correct; and the legal theories of this residual surplus, which are already established in our common law, are, therefore, presented here as one step in the task of distinguishing fundamental concepts of the entrepreneur's various increments. The income known in law as profits resembles much a stream with many tributaries. It may include concrete things; as, payments in kind, services, soil, and objects beneath the surface of the earth, on the one hand, and such wholly unreliable returns as may fall to the hand of the gambler on the other. And whether the entrepreneur devotes his activities to the field of agriculture, commerce or manufacturing—or to any of their allied pursuits—this income appears to flow constantly from numerous sources which depend more or less on the adjustment of natural and social forces. In fact, it may be said that the many accretions from the operation of industrial forces really make up gross profits, but courts of law seldom tarry over the gross income; the terms "rents" and "profits" are usually interpreted as meaning "net profits." A much-quoted opinion defines profits as the excess of receipts over the expenditures necessary to earn them; but the apparent simplicity of this legal formula is soon lost sight of in the solution of practical problems. In striking this balance between the total income and the outgo, divers methods of arriving at the final result have given us several concepts of profits; and in studying the general plan of profit analysis, as a whole, the economist is impressed by the increas-

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ing tendency on the part of American courts to obliterate the well-known distinctions which writers on economic theory have maintained for a century between profits, rent, and interest.

I

American judges have not taken kindly to the labor concept of profits, which represents this income as primarily one form of the wages of labor. This fact may be due in a measure to their failure to read the early common-law cases, and to their superficial examination of the works of the classical economists. That is to say, inexact definitions, drawn from these writers on the subject of profits, have been carried in legal opinions for generations, working unique effects in the distribution of wealth.

The more common of these interpretations conveys the terse statement that profit denotes the difference between the value of the advances and the returns resulting from their employment. By the term "advances" the courts doubtless have in mind here simply the outgo of the entrepreneur as expenses of production. And the amount represented by the phrase "returns resulting from their employment," may be assumed as equivalent to the gross income of the entrepreneur. This definition was probably taken from the early discussion of profits by Thomas Malthus; and if we stop to consider the slow progress made previous to this time in economic theory, it was not an unhappy expression of this theory of profits. But in constructing a more scientific definition of profit, courts have used the writings of these early economists authoritatively to eliminate the wages of superintendence from the entrepreneur's profits. Thus the supreme court of California includes, among other definitions of profit, a common interpretation from the works of Adam Smith[1] and J. S. Mill.[2] The definition of the court runs thus:

> In distinction from the wages of labor, it is well understood to imply the net return to the capital or stock employed, after deducting all the expenses, including not only the wages of those employed by the

[1] Wealth of Nations, bk. i, ch. 6.

[2] Political Economy, ch. 15.

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capitalist, but the wages of the capitalist himself for superintending the employment of his capital stock.[1]

This is an erroneous interpretation of J. S. Mill's definition; it has been accepted by the courts without troubling themselves to refer to the exact words of that learned economist, whose statement is, in fact, quite the contrary.

The line drawn between wages and profits in this interpretation may be taken as a modern, though not undisputed, theory in legal history. Yet it was used as early as 1828 in separating the various issues and incomes from land. The income of an estate meant nothing more to a court in Maine than the profits that it would yield after deducting the charges of *management*. The rent which could thus be obtained from this estate was its income; for, said the court, "The rents and profits of an estate, the income, or the net income of it, are all equivalent expressions."[2] This hostility toward a labor theory of profits is more clearly expressed in Illinois. In 1878 its supreme court was of the opinion that compensation for the labor of the officers of a corporation could not be regarded as profit within the meaning of the law. Profit in its ordinary sense was construed to mean the gain from any business or investment—"a different thing altogether from mere compensation for labor."[3] Highly significant is the fact that this modern tendency to discard the ancient labor concept of profits, is following gradually a process of elimination in which the final surplus, or remaining profit going to the entrepreneur, will finally be largely an unearned increment. That is, except for the worry and risk taken in connection with a business, there will be no human sacrifice recognized in law to which it may be attributed by either judge or jury.

Yet it seems that academic authority is not entirely responsible for this result. Bouvier's *Law Dictionary* states:

Profits are divided by writers on political economy into gross and net,

[1] People *v.* Savings Union (1887) 72 Cal. 199, pp. 202–203, 13 Pac. 498.

[2] Andrews *v.* Boyd (1828) 5 Me. 199, p. 203; see also Earle *v.* Rowe (1853) 35 Me. 414, p. 420.

[3] Commercial League etc. *v.* People (1878) 90 Ill. 166, at p. 173.

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—gross profits being the whole difference between the value of advances and the value of returns made by their employment, and net profits being so much of that difference as is attributable solely to the capital employed. The remainder of the difference, or in other words, the gross profits minus the net profits, has no particular name, but it represents the profits attributable to industry, skill and enterprise. See Malthus, Political Econ.: M'Culloch, Political Econ. 563.[1]

It will be noted that the "remainder of the difference" which has no particular name, but is imputed here to some form of activity, skill or enterprise on the part of the entrepreneur, is really a modern interpretation of the labor concept of profit. Yet the author does not explain this profit as a particular form of labor wage. The truth is that this interpretation was originally taken from two early works on economics, and it illustrates well the persistent hold which previously accepted theories often retain in modern law. To be more explicit, it is said on the same page, in reference to the teaching of Adam Smith and J. S. Mill, that profits imply the net return to the "capital of stock" employed after deducting all the expenses, including the wages of the capitalist himself; and, to quote the author's exact words, "After indemnifying the capitalist for his outlay, there commonly remains a surplus, which is his profit, the net income from his capital. 1 Mill. Polit. Econ. c. 15." Now if the author of these excerpts had read carefully chapter 15, book ii of J. S. Mill's work on *Political Economy*, he would have found that the nameless surplus which he has thus separated from the return to capital is called "wages of management"—a fact which the courts have several times denied. These excerpts but emphasize one of the many anomalies of the law that arise through inexact quotations from previous authorities both legal and economic.

Again it is necessary at this point to draw attention to another exception to this rule of the law; for the foregoing opinions against the labor concept of profits do not occupy undisputed possession of the field. In rendering damages for injury to property, courts of law include wages of management as a part

[1] Bouvier, Law Dictionary (Rawle's 3rd rev.) 2737.

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of the profits of an enterprise. The rule of compensation for damages was probably first applied in very early cases to the earnings of the laborer and the strictly professional man. That is, we find that the value of their services was often estimated as profits. And there is now a well-established rule of law which allows the entrepreneur to recover compensation for any injury to his income from the wages of superintendence and management. In fact, in estimating the amount of damages due to loss of profits, personal earnings rather than the income from capital are usually preferred in establishing the legal rule of compensation. In this relation the decisions of several states have been quite uniformly against the recognition of profits on capital. This tendency is, of course, of great significance; for the courts have given us a remarkable series of legal data which serve to distinguish the personal earnings of the entrepreneur, and consequently to give them a secure legal position in law as profits. This same attitude, however, is sometimes taken by judges in cases arising outside of the field of damages. One example will probably make this point plain. In deciding upon the right of a state to levy a tax upon the profits of a merchant's stock in trade, the supreme court of Massachusetts in 1870 distinguished between the income from a profession, trade or employment, which was already taxable, and that arising from capital invested as stock in a business. The court declared:

> The income meant by the statute is the income for the year, and is the result of the year's business. It is the net result of many combined influences: the use of capital invested; the personal labor and services of the members of the firm; the skill and ability with which they lay in, or from time to time renew, their stock; the carefulness and good judgment with which they sell and give credit, and the foresight and address with which they hold themselves prepared for the fluctuations and contingencies affecting the general commerce and business of the country. To express it in a more summary and comprehensive form, it is the creation of capital, industry and skill.[1]

It seems clear at this point that the modern concept of

[1] Wilcox *v.* County Commissioners (1870) 103 Mass. 544, at p. 546.

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profits, as a return from the personal labor of the entrepreneur, will always be used by the courts in determining the rule of compensation in injury to property. And it is equally plain that the obvious departure from the labor concept of profit, which we have previously noted, was due largely to a hasty misconstruction of J. S. Mill's definition of profit. There is, in fact, no ground in Mill's work for the statement that wages of management are excluded from profits.

But the opinions against the labor concept of profits are also in conflict with many ancient and modern decisions on this point. In 1882 a court of Ontario held strictly to the labor concept embodied in a previously accepted definition of the word "profits": "In a wider sense it means, according to the Imperial Dictionary," explained Chief Justice Spragge, "'any advantage, any accession of good from labor or exertion.'"[1] Somewhat later it was pointed out in the opinion of a court of Pennsylvania that profits derived from the management of a business enterprise were not equivalent to total earnings. To be sure, the word "earnings" was interpreted narrowly according to the definition cited from Anderson's Law Dictionary[2] as "the fruit or reward of labor, the price of services performed."[3] In the conclusion, however, profit seems here to have been made equal to the total net gain of an enterprise, but depending largely upon other circumstances than the earning capacity of the manager. The opposite idea is, however, put more tersely by this same court in another decision. It is said, indeed, that in many instances profits derived from the management of a business may properly measure its earning power. Especially is this true, emphasized the court, if the enterprise receive the personal attention and labor of the owner.[4]

Turning to other examples, the medieval labor concept of profit is also retained in various cases in which the right to commissions on property sold by an agent is adjudicated. In

[1] Workman *v.* Robb, Ont. App. Rep. 399, 400, 404.

[2] At p. 390.

[3] Goodhart *v.* Pennsylvania R. R. (1896) 177 Pa. 1, at p. 15, 35 Atl. 191.

[4] Wallace *v.* Pennsylvania R. R. (1900) 195 Pa. 127, at p. 130, 45 Atl. 685.

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English law, commissions, which would accrue to public agents for the sale of merchandise, were regarded as profits, and could be insured as such.[1] In two instances the right of a person to participate in the commissions of a business, was held to make him a partner.[2] In the United States a commission charged for the sale of western land was construed by the supreme court of Washington to be profits and a part of the net returns.[3] In like manner, where the sale of a copyrighted map was an infringement upon the rights of the owner, the commissions derived from the improper act were distinguished as a part of the profits and turned over to the plaintiff in the case.[4]

There are, of course, many conflicting decisions on this point, yet in the face of other profit theories, the labor concept is gradually losing its place in the legal field; for the returns upon all higher forms of mental and physical labor are being gradually merged into wages. But the net profit surplus, above wages of management, at which jurists are gradually arriving by this process of elimination—the excess of value returns over advances—remains to them still a complex subject.

II

The rent concept of profit as simply a return from land holds a very substantial position in English and American law; it has, in fact, come down to us from medieval times. In its original meaning, rent was defined as a sum of money, or other consideration, issuing yearly out of lands or tenements; or again, it was said to be a part of the profits of such property, paid not necessarily in money, product or labor—which were frequently rendered for rent—but in anything which could be regarded as a fixed amount or be reduced to a certainty.[5] Con-

[1] Lucena *v.* Crauford (1802) 3 Bos. & Pul. 75, reversed on its facts in the House of Lords. (1806) 2 Bos. & Pul. N. R. 269.

[2] Waugh *v.* Carver (1793) 2 H. Bl. 235; Cheap *v.* Cramond (1821) 4 B. & Ald. 663; Young *v.* Axtell (1784) cited in Waugh *v.* Carver, *supra*, at p. 242.

[3] Cooke *v.* Cain (1904) 35 Wash. 353, at p. 359. 77 Pac. 682.

[4] Stevens *v.* Gladding (C. C. 1856) 23 Fed. Cas. No. 13, 399.

[5] Co. Lit. 47a, 142, 142a; Smith *v.* Colson (N. Y. 1813) 10 Johns. 91; Gilbert, Rents 87; Browning *v.* Beston (1556) 1 Plow. 131, at pp. 132, 138, 141; 2 Bl. Comm. *42, *43; Minor Inst. 32–43.

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sequently, the fact that rent was fixed and issued only out of land served to distinguish it from other forms of profit obtained either from the land or from the chattels on it. Thus Lord Coke states that if a house and land "with a stock or sum of money rendering rent" be demised for a term of years, "the assignee shall not be charged with this covenant: for although the rent reserved was increased in respect of the stock or sum, yet the rent did not issue out of the stock or sum but out of the land only."[1] This "stock or sum," as used in his excerpt, is an independent factor, and does not, therefore, include the buildings on the land, for these are tenements and virtually a part of it. Rent issues, of course, from the tenements, and to this extent it may be conceded that legally it arises from the use of capital. But rent could not be reserved out of any chattel, office, fair, market, common, franchise, privilege, tithe or advowson.[2] Indeed, from the numerous cases involving the payment of rent, it is clear that it was only by the most careful discrimination that early English judges were able to keep the rent profit entirely distinct from the income of stock or chattels.

The question whether rent may ever originate in the use of the stock obtained by the tenant with leased premises is, of course, not new to American jurists; and a most difficult issue has arisen over the doctrine of apportionment, namely, whether there should ever be a deduction of the rent in case the tenant suffers a loss on his leased stock. To allow an apportionment of the rent according to this loss would obviously extend the rent concept to chattels and, therefore, in effect, break the ancient rule. An English authority[3] cites a specific instance in which all of the sheep on certain leased premises had died. He is inclined to think that under such circumstances the rent would not be apportioned; for although it was naturally increased by the profits which arose from the sheep, "it may be doubted, whether the Rent shall be abated, while The tenant

[1] Spencer's Case (1583) 5 Coke 16a, at p. 17a; See Commonwealth *v.* Contner (1852) 18 Pa. 439; Fay *v.* Holloran (N. Y. 1861) 35 Barb. 295, at p. 297; Minor Inst. 34.

[2] Co. Lit. 47a, 142a, 144a; 2 Rol. Abr. 446.

[3] Gilbert, Rents, 187–188, citing Richards le Taverner's Case (1544) 1 Dyer *56.

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enjoys all the Land out of which the Rent issues." This opinion was known to the supreme court of Virginia which departed from the established principle in 1808. Action for rent was brought against one who was entitled by a lease to the services of both a mill and the miller. But the latter having been given his freedom according to law declined to continue in the service of the lessee. Although the court acknowledged that it had found no case expressly in favor of the opinion which it entertained, yet it was of the belief that the jury could have apportioned the loss which the tenant had sustained by the departure of the miller.[1] However, in a later case it would seem that the court purposely evaded giving an opinion on this exact point.[2] Also, in Pennsylvania the change in the established doctrine of apportionment came suddenly. In 1852 we find the supreme court of that state declaring, according to the accepted theory, that "a sum of money, payable periodically for the use of chattels, is not RENT in any legal sense of the word."[3] But four years later the ancient principle was repudiated. In the opinion of the court:

> The ordinary definition of rent, as a profit issuing yearly out of lands and tenements corporeal is defective in overlooking some of the cases that belong to the class; as where a furnished house or a stocked farm is leased, which are common cases: 5 *Bos. & P.* 224; 5 *Co.* 16b; 1 *Leon.* 42. In such cases the personal property is really a part of the consideration of the rent, and it is only by fictitious accommodation of the case to the defective definition, that it can be said that the rent issues exclusively out of the land. It is better to correct the definition.[4]

By persisting in this view, the courts of Pennsylvania have affixed the rent concept more or less permanently to capital; but it need hardly be repeated that this theory is an exception to the general rule now prevailing in the United States.

[1] Newton *v.* Wilson (1809) 13 Va. 470.

[2] Scott *v.* Scott (1868) 59 Va. 158.

[3] Commonwealth *v.* Contner, *supra*, footnote 1, p. 192, at p. 447.

[4] Mickle *v.* Miles (1856) 31 Pa. 20, at p. 21; see also Vetter's Appeal (1881) 99 Pa. 52, at p. 55.

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At the present time the rent concept of profit may still be distinguished from other ideas of profit by the frequent declaration that rent is a fixed yearly return issuing only out of the land.[1] And by an ancient *dictum*, it is not to be considered a part of the land or thing out of which it issues.[2] In contrast to rent, other profits are said to be the residual surplus from various sources fluctuating and uncertain in character, and depending on skill, care and the nature of the business transaction.[3] Yet a dangerous tendency to fuse the incomes of land is not entirely absent. In referring to previous quotations, which it had gathered from various decisions, the supreme court of New York in 1903 declared: "There is no such technical or peculiar meaning to the phrase 'rents and profits' as to deny a synonym in 'profits and gains.' A rent is a profit, and the profit in rents and profits is a profit still."[4] Stated concisely, the situation is simply this: the courts of one state are striving to differentiate the concepts of profit, while the judges of another state are consciously synthesizing the same ideas. But in general one is fully impressed by the important fact that although the legal theory of rent is obviously a productivity concept, it is, nevertheless, still confined to land and its tenements.

[1] Fay *v.* Halloran, *supra*, footnote 1, p. 192, at p. 297; Stephens *v.* Reynolds, (1852) 6 N. Y. 454, at p. 458; Dolph *v.* White (1855) 12 N. Y. 296, at p. 300; Sutliff *v.* Atwood (1864) 15 Ohio St. 186, at pp. 192–193; Jones *v.* Smith (1846) 14 Ohio 606, at p. 608; Van Wicklen *v.* Paulson (N. Y. 1853) 14 Barb. 654; Bloodworth *v.* Stephens (1875) 51 Miss. 475, at p. 480; Boyd *v.* McCombs (1846) 4 Pa. 146; Ivy *v.* Gilbert (1722) 2 P. Wms. *13; Attorney General *v.* Foundling Hospital (1793) 2 Ves. Jr. 42, at p. 48; Armstrong *v.* Cummings (N. Y. 1880) 58 How. Pr. 331.

[2] Browning *v.* Beston, *supra*, footnote 2, p. 192, at p. *132.

[3] Bennett *v.* Austin (1880) 81 N. Y. 308, at p. 319; Last *v.* London Assurance Corp. (1885) 10 App. Cas. 438, at p. 450; Mersey Docks *v.* Lucas (1883) 8 App. Cas. 891, at p. 905; Freeman *v.* Freeman (1886) 142 Mass. 98, at pp. 99–100, 7 N. E. 710; Rogers-Ruger Co. *v.* McCord (1902) 115 Wis. 261, at p. 265, 91 N. W. 657; Jones *v.* Davidson (1854) 34 Tenn. 447, at p. 452; Owston *v.* Ogle (1811) 13 East 538; Hitchcock *v.* Tremaine (1872) 12 Fed. Cas. No. 6, 540.

[4] Thorn *v.* De Breteuil (1903) 86 App. Div. 405, at p. 416, 83 N. Y. Supp. 849.

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III

The capital concept of profit is used here in a broad sense to include the growth or increase of capital itself by accretions of product or earnings. As all products are capital to the economist, while they are still devoted to production, and as all earnings are capital to the business man, until they are declared to be dividends, this concept of profit represents simply the additions to capital created through productive effort. Courts seldom go to the trouble of separating the exact annual output of capital from the previous total concrete mass used in production; distinctions of this sort are usually beyond their sphere. Moreover, judges also recognize that the earnings of a business are often turned back into the original fund of capital, which goes on its ceaseless round, its constant transformations, and its definite wealth-producing cycle.

This concept of profits crops out at unexpected angles from either the simple natural economy of the farm or the more active fields of finance in the commercial world. By way of illustration, the lessee of certain premises in Ontario erected thereon suitable buildings for use in his own trade, which were intended to go ultimately to his landlord in payment of rent. Obviously, both in a legal and an economic sense, these structures were capital. Although the court hesitated to call them rent, it did nevertheless rule that they were profits which were finally to become possessions of the landlord. In this sense, therefore, profits took the form of concrete products which were already devoted to further production. Indeed, in the opinion of Mr. Justice Spragge there was no necessity for restricting the word "profits" to a periodical return from the land, though that was conceded to be its common meaning. The decision states that "In a wider sense it means, according to the Imperial Dictionary, 'any advantage, any accession of good from labor or exertion.' In that sense Robb received a profit every time that a building or addition to a building was placed upon his land."[1] In this, as well as in other opinions, judges have simply reverted to the medieval method of meas-

[1] Workman *v.* Robb, *supra*, footnote 1, p. 190, at pp. 400, 404.

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uring profit in terms of product or payment in kind. In a case in Connecticut the phrase "profits from the farm" was construed to comprise, not only net profits, but all of the products raised by the tenant.[1] A similar example may be found in the state of Washington. In 1897 the supreme court was of the opinion that "while in a strictly etymological sense, it might be that neither the words 'rents, issues, or profits' would embrace the increase of cattle, yet to give this narrow and restricted construction to the statute would lead to results inconsistent with the evident intention of the legislature, which passed the community property law."[2] Profits were therefore taken to include the increase of cattle.

Turning to the realm of higher finance, we find that even there capital may also include profits. For example, in New Jersey profits do not necessarily imply money to be divided. In the words of the court, "they may be represented by the unsold portion of the property which was the subject of the speculation."[3] But the broadest construction given to the capital concept has probably occurred in Iowa. There the court declared:

> Some difference is expressed as to what are profits, and how they are to be arrived at. This is fully answered in *Miller v. Bradish*, 69 Iowa, 278, where it is said: "The assets, resources and funds of the corporation must consist of cash on hand and other property, and, if such assets exceed the liabilities, a dividend can be lawfully declared;" in other words, a profit exists.[4]

It would seem from this decision that if the assets of a business exceed the liabilities by one dollar, then the capital or profits would also equal one dollar—that is, capital and profits would be identical.

That a considerable part of profits, at least, consists of earnings upon capital is a widely accepted theory in American law;

[1] Richmond *v.* Connell (1887) 55 Conn. 403, 11 Atl. 853.

[2] Harris *v.* Van De Vanter (1897) 17 Wash. 489, at p. 492, 50 Pac. 50.

[3] Jones *v.* Davis (1891) 48 N. J. Eq. 493, at p. 499, 21 Atl. 1035.

[4] Hubbard *v.* Weare (1890) 79 Iowa 678, at pp. 688–689, 44 N. W. 915.

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it has sifted into our legal decisions from the opinions of English economists and statesmen. Still it is to be noted that such profits are not considered to be the equivalent of interest, but constitute rather the excess income above the expenditures necessary to earn it.[1] Thus in 1883, Lord Selborne construed the profits of a business to be "all the net proceeds of the concern after deducting the necessary outgoings without which those proceeds could not be earned or received."[2] In a similar case two years later, Lord Fitz Gerald adopted a more elaborate interpretation of profits by declaring that the expression means "the incomings of the concern after deducting the expenses of earning them," or "income of whatever character it may be over and above the costs and expenses of receipt and collection."[3] Also, in discussing the general field of profits, jurists have recently shown a marked tendency to avoid primary concepts. This means, of course, in particular states that the entrepreneur's residual incomes are fused into a single profit—the net return above expenses. Thus "divisible profits" are frequently spoken of as the net return which a company, after making all reasonable and adequate provision for its own safety, may properly divide among its stockholders.[4]

It may be frankly acknowledged that in striking contrast to their neglect of the labor theory of profits, American jurists have given great weight to the earning power of capital; so

[1] Bouvier, *loc. cit.*

[2] Mersey Docks *v.* Lucas, *supra*, footnote 3, p. 194, at p. 903.

[3] Last *v.* London Assurance Corp., *supra*, footnote 3, p. 194, at p. 450; see also Dean *v.* Dean (1882) 54 Wis. 23, at p. 33–34; Burt *v.* Rattle (1877) 31 Ohio St. 116, at p. 130; City of Allegheny *v.* Pittsburg etc. R. R. (1897) 179 Pa. 414, at p. 421, 36 Atl. 320.

[4] Bain *v.* Aetna Life Insurance Co. (1891) 21 Ont. Rep. 233, at p. 241; see Bond *v.* Pittard (1838) 3 M. & W. *358, at p. *360; People *v.* Savings Union *supra* footnote 1, p. 187, at p. 203; Braun's Appeal (1884) 105 Pa. 414, at p. 417; Jones *v.* Davidson (1854) 34 Tenn. 447, at p. 452; St. John *v.* Erie Ry. (1872) 21 Fed. Cas. No. 12, 226; Connolly *v.* Davidson (1870) 15 Minn. 519, at p. 530; Eyster *v.* Centennial Board of Finance (1875) 94 U. S. 500; City of Allegheny *v.* Pittsburg etc. R. R., *supra*, footnote 3. The commodity concept of profit really deserves to be treated separately. Portland Bank *v.* Apthorp (1815) 12 Mass. 259, p. 263; Hamilton Co. *v.* Massachusetts (1867) 73 U. S. 632, at p. 640.

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much so, indeed, that in many instances—as in the case of manufactured goods—capital profit has been made to absorb the speculative gains of the market. Moreover, little need has existed, except in particular instances, of separating this form of profit from the unearned surplus. In the fields of trade and commerce, however, the direct connection between capital and income is less distinct, the "productivity" of capital is not so apparent, its earning power loses somewhat its usual emphasis, and it is then but a step to the idea that profits are simply the excess of receipts over expenditures. That is to say, American courts, as a whole, are slowly evolving by a process of elimination a pure *value concept* of profit.[1] In fact, though they do not distinguish profit as an unearned increment, they allow, nevertheless, in the solution of practical questions, a surplus value profit that is not a return on labor, capital or land.

IV

In both ancient and modern law land is sometimes designated as capital; and the previous capital concept of profit income, as it has been described, is, therefore, quite similar to the following theory that *land* itself constitutes profits. In a broad sense, objects upon the earth's surface, or anything beneath it, embody in a more or less fixed form such returns to the owner. The right to take timber, ice, stone, minerals or sea weed from a tract of land is equivalent to an interest in the soil and therefore in its profits.[2] Of like nature is the right to use land simply for the purpose of pasturing, fishing or hunting.[3] Where the owner of a farm had allowed another to occupy it without the payment of rent, the single fact that the former had continued to pasture his cattle on the land, and to gather in a legal sense profits with the grass, prevented the

[1] The value concept of profit represents this return as a surplus above the cost of production.

[2] Kennedy Stave etc. Co. *v.* Sloss-Sheffield etc. Co. (1902) 137 Ala. 401, 34 So. 372; Payne *v.* Sheets (1903) 75 Vt. 335, 55 Atl. 656; Hill *v.* Lord (1861) 48 Me. 83, at p. 100; Huff *v.* McCauley (1866) 53 Pa. 206.

[3] Tinicum Fishing Co. *v.* Carter (1869) 461 Pa. 21, at p. 37; Albright *v.* Sussex County etc. Comm. (1904) 74 N. J. L. 303, at p. 305, 59 Atl. 146; Payne *v.* Sheets, *supra*, footnote 2.

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tenant from getting exclusive possession against him.[1] Also, the tenant for life is usually entitled to enjoy all the profits of the land during his estate therein. Things to be consumed become his immediate profits; other objects also may be put to the use for which they are especially designed. Possessions which he may use or consume include, of course, all timber, minerals, oil, gas and water on the land; and when his acts are not limited by expressed restrictions, he may in supplying his own needs work the land to the final stage of exhaustion.[2] But in his enjoyment of such concrete profits he is not permitted to damage or waste the estate.[3] Likewise, in other instances, one person may secure a right by grant, inheritance or prescription in the land of another; and his returns therefrom are termed *profits à prendre*.[4]

Where a will has clearly provided for the settlement of debts out of the profits of an estate, the property itself is often sold to meet the requirements of the law.[5] Thus in 1739 an English court explained that the natural meaning of "raising a portion by rents, issues, and profits is by the yearly profits"; but that the word "profits" has, in some particular instances, been extended to include any profits which the land will yield, either by sale or mortgage.[6] But a certain learned judge has

[1] Rennie *v.* Frame (1896) 29 Ont. Rep. 586, at p. 590.

[2] Rankin's Appeal (Pa. 1888) 16 Atl. 82, at p. 87; Koen *v.* Bartlett (1895) 41 W. Va. 559, at p. 567, 23 S. E. 664; Williard *v.* Williard (1867) 56 Pa. 119, at p. 129; Shoemaker's Appeal (1884) 106 Pa. 392; Westmoreland Coal Co.'s Appeal (1877) 85 Pa. 334; Kier *v.* Peterson (1861) 41 Pa. 357, at p. 361; Neel *v.* Neel (1852) 19 Pa. 323, at pp. 327–328; Holman's Appeal (1854) 24 Pa. 174, at p. 178; Wentz' Appeal (1884) 106 Pa. 301, at p. 307; McClintock *v.* Dana (1884) 106 Pa. 386, at p. 391.

[3] Smith *v.* City Council of Rome (1855) 19 Ga. 89, at p. 92; Dickinson *v.* Jones (1867) 36 Ga. 97, at p. 104; Co. Lit. 54b.

[4] Payne *v.* Sheets, *supra*, footnote 2, p. 198, at p. 344; Kennedy Stave etc. Co. *v.* Sloss Sheffield etc. Co., *supra*, footnote 2, p. 198; Albright *v.* Sussex County etc. Comm., *supra*, footnote 3, p. 198; Wickham *v.* Hawker (1840) 7 M. & W. 62, at p. 79; Ewart *v.* Graham (1859) 7 H. L. C. *331; Post *v.* Pearsall (N. Y. 1839) 22 Wend. 425, at p. 441; Cobb *v.* Davenport (1869) 32 N. J. L. 369, at p. 384; Bingham *v.* Salene (1883) 15 Ore. 208, 14 Pac. 523.

[5] *Ex parte* Artis (1752) 2 Ves. 490; Anonymous (1682) 1 Vern. 104; Lingon *v.* Foley (1675) 2 Ch. Cas. 205.

[6] Ivy *v.* Gilbert, *supra*, footnote 1, p. 194, at p. 19; Trafford *v.* Ashton (1718) 1

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stated that there is not one case in ten in which the court has decreed a sale on the words "rents and profits" that it was in harmony with the testator's intentions. Yet to aid a creditor, as he has explained, a sale has often been ordered on the ground that "rents and profits" in a will mean to pass the land.[1] The general rule in England seems to be that the natural meaning of the word "profits" in this connection is "annual profits," but it should be noted that where the court is not expressly confined to this intrepretation, it is construed in its broadest sense to constitute the land itself.[2]

V

Although American courts do not definitely emphasize the *value concept* of profit as a surplus above the costs of production, it seems, nevertheless, that in the case of speculative ventures and monopolized industries, this view has found its proper niche in the general plan of legal profits. Indeed, a pure value surplus in speculative enterprises has been accepted as legitimate profit in English law since the middle of the seventeenth century; and the clear-cut opinions of these early decisions have been followed in a greater or less degree in our own states. In some respects our state decisions go even farther than the English law; and as economists we are interested here especially in two sets of cases. In the first group, the value surplus is uniformly considered to be profits; in the second, it is un-

P. Wms. 415, at p. 418; see Evelyn *v.* Evelyn (1731) 2. P. Wms. 659, at p. 666; Mits *v.* Banks (1724) 3 P. Wms. 1, at p. 8; Okeden *v.* Okeden (1738) 1 Atk. 550; Small *v.* Wing (1762) 3 Bro. P. C. 503; Gibson *v.* Rogers (1750) 1 Amb. 93, at p. 95.

[1] Baines *v.* Dixon (1747) 1 Ves. 41, at p. 42; see also Green *v.* Belchier (1737) 1 Atk. 505, at p. 506; Reed *v.* Reed (1812) 9 Mass. 372; Goldin *v.* Lakeman (1831) 2 B. & Ald. 30, at p. 42; Fox *v.* Phelps (N. Y. 1837) 17 Wend. 393; Earle *v.* Rowe, *supra*, footnote 2, p. 187.

[2] Whether or not the land is sold depends upon the general terms of the will, the time allowed for raising the necessary funds, the situation of the estate, the nature of the debt and the age of the beneficiaries. Barnardiston *v.* Carter (1717) 3 Bro. P. C. 64; Heneage *v.* Lord Andover (1829) 3 Y. & J. 360; Gore *v.* Gore (1722) 2 P. Wms. 28, at p. 63; Albemarle *v.* Roger (1794) 2 Ves. Jr. 477, at p. 483; Earl of Pomfert *v.* Lord Windsor (1752) 2 Ves. *472, at p. 480. Ivy *v.* Gilbert, *supra*, footnote 1, p. 194.

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hesitatingly declared to be capital. In this second instance, the courts are apparently undertaking the important task of separating the pure value increment from what appears to them to be the actual or concrete income of an estate.

This concept of profit is, in the first place, readily found in cases which relate to speculation in real estate. As early as 1859 a court in Ontario recognized that the scarcity surplus from a speculative enterprise is a substantial profit. The profits here were to be divided equally between two partners, one of whom furnished the capital while the other selected and purchased desirable tracts of land. It was not clear to the court whether there were actual profits from the sale of the land, or only estimated returns based on its valuation. It was nevertheless held that the profit to be divided equally between "the parties was the value, whether ascertained upon resale or by valuation, after deducting the cost and incidental expenses."[1] In a later case in Missouri, which involved two firms engaged in the real-estate business, each party to the contract in question was entitled to one-half of the "acquisitions beyond expenditures." Citing Webster's Dictionary as authority, the court decided that this expression was a definition of profits, and that in the contract it represented the land as well as the money obtained by the firms from their various deals.[2] Again, in referring to an investment in wild or unproductive land, the court of Pennsylvania in 1890 expressed the opinion that if the sum for which the speculator sells it "does not exceed the purchase money and interest thereon, he does not realize a profit on the investment."[3] That is, while the courts of this state seldom include interest in profits, they frequently recognize the speculative increment as such.

In other decisions this idea of profit is not so readily accepted. Thus in the early cases of this same state, which determined the right of the life tenant to the profits of an estate held in trust for the beneficiaries of a will, the pure value sur-

[1] Proudfoot *v.* Bush (Upper Can. 1859) 7 Grant 518, at pp. 522–533.

[2] Carter *v.* Arnold (1896) 134 Mo. 195, at p. 208, 35 S. W. 584.

[3] Hentz *v.* Pennsylvania Co. (1890) 134 Pa. 343, at p. 347, 19 Atl. 685.

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plus of property was considered to be profits;[1] but in a recent case the ground has been taken that such increased value is capital and passes with the estate.[2] In deciding the same issue, the courts of New York also follow the principle that the right of a life tenant to the profits of an estate does not include the surplus arising simply from an increase in its value.[3] But in many decisions the subject matter is so complex that there seems to be no settled definition of profit, and the value increment is often designated as either capital or profits. Thus in 1895 it is conceded by one court of this state that both the speculative increment and interest may sometimes be included in profit. "And while the interest or income as well as increased value of the securities," runs the opinion, "may be treated as profit, that term in common parlance is the pecuniary advantage resulting from dealing or trafficking in property."[4] Almost ten years later a much better definition is included in the opinion of another court of this state. After repeating the prevailing formula that "profit" ordinarily means the excess of returns over expenditures, it "may or may not, according to circumstances," declared the court, "include in the returns any increase in value of the capital, and in the expenditures any depreciation of capital." Lastly, in a more scientific sense, it is said to be the excess which remains after deducting from the returns, not only "the operating expenses and depreciation of capital, but also interest on the capital employed."[5] The opinions of these last two states represent the most advanced analysis of profits. At least most courts seem to follow no one established rule in determining the entrepreneur's income.

The value concept is also intrenched securely in a large group of decisions involving the collection of profits which have been

[1] Earp's Appeal (1857) 28 Pa. 368, at p. 374; Smith's Estate (1891) 140 Pa. 344, at p. 352; 21 Atl. 438.

[2] Hubley's Estate (Pa. 1884) 16 Phila. 327, at p. 330; Graham's Estate (1901) 198 Pa. 216, at pp. 220–221, 47 Atl. 1108; Kemble's Estate (1902) 201 Pa. 523, at p. 525; 51 Atl. 310.

[3] Matter of Proctor (1895) 85 Hun. 572, 33 N. Y. Supp. 196.

[4] *Ibid.*, at p. 573.

[5] Mayer *v.* Nethersole (1902) 71 App. Div. 383, at p. 388, 75 N. Y. Supp. 987.

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lost by the nonperformance of a contract. If one party in purchasing commodities or services fails to keep his agreement, the second may suffer two important losses which consist of (a) the expenditures made before the contract was broken, and (b) the prospective profits. It will be noticed that the second item comprises solely future profits—that is, a surplus value over expenses, which may be collected as damages, though it may be entirely unearned. If the claimant cannot furnish direct proof of his ability to secure such prospective returns during the performance of his agreement, or if they are highly speculative in character, they will not be allowed as damages. By this ruling highly speculative gains are eliminated from such contingent profits. But in some instances profits are so certain that they become part and parcel of the contract itself. For example, if one person has agreed to furnish certain goods to another on a particular day at a definite price, but fails to perform his part of the contract, the second person may usually collect the difference between the stipulated price and the market value of the commodities at the time they should have been delivered. It is obvious that the second person has never really earned this profit, but the speculative income becomes none the less a legitimate return.[1] In like manner, if one person has contracted for definite services, or for the delivery of certain goods at a specified time, and refuses subsequently to keep his agreement, he is usually liable in damages for the difference between the expenses incurred by the plaintiff and what the latter would have received had he been permitted to complete his contract. The Supreme Court of the United States follows a definite rule in estimating the profits to which the plaintiff is entitled in such cases. Damages shall consist of "the difference between the cost of doing the work and what claimants were to receive for it, making reasonable deduction for the less time engaged, and for release from the care, trouble,

[1] Grainsford *v.* Carroll (1824) 2 Barn. & Cress. 624; Clark *v.* Pinney (N. Y. 1827) 7 Cowen 681; Quarles *v.* George (1839) 40 Mass. 400; Shepherd *v.* Hampton (1818) 16 U. S. 200, at p. 204; Dey *v.* Dox (N. Y. 1832) 9 Wend. 129, at p. 134; Shaw *v.* Nudd (1828) 25 Mass. 9, at pp. 13–14; Leigh *v.* Patterson (1818) 8 Taunt. 540.

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risk, and responsibility attending a full execution of the contract."[1] To be more explicit, the entrepreneur usually makes two forms of expenditures, namely money and personal sacrifice. But as he does not undergo this personal sacrifice in this particular instance in performing his part of the contract, he is only entitled to compensation for his actual losses and to the surplus value which he would have acquired had he been allowed to complete his agreement. Profits of this sort have been collected from the United States because of its failure to carry out its contract in securing supplies for the army; but in repairing the harbor at New Orleans, although the government again failed in its agreement, the entrepreneur was unable to show convincing proof that his profits would have consisted of other than speculative returns.[2]

In still a third set of cases wholly speculative profits may be recovered if companies in which they are properly insured refuse to pay them. The right in England and the United States to insure expected, contingent or speculative profits has been settled by a long line of rulings which refer usually to losses at sea. This general expectation of profit is a definite entity, susceptible of possessing value and of being sold; it is sometimes insured entirely independent of the value of the cargo, but the latter must be known to determine the actual profits had the merchandise been sold.[3] English courts usually require the owner of the cargo to show that a definite profit would have been realized from the adventure if the property had not been lost.[4] He is not allowed to collect imaginary

[1] United States *v.* Speed (1868) 75 U. S. 77, at pp. 84–85.

[2] *Ibid.*, United States *v.* Behan (1884) 110 U. S. 338, at p. 345, 4 Sup. Ct. 81; see Hinchley *v.* Pittsburg Steel Co. (1887) 121 U. S. 264, at pp. 276–277, 7 Sup. Ct. 875; Masterson *v.* Mayor etc. of Brooklyn (N. Y. 1845) 7 Hill 74; Philadelphia etc. R. R. *v.* Howard (1851) 54 U. S. 307, at p. 344; Fox *v.* Harding (1851) 61 Mass. 516; Hawley *v.* Corey (1893) 9 Utah 175, 33 Pac. 695; Dr. Harter etc. Co. *v.* Hopkins (1892) 83 Wis. 309, 5 N. W. 501.

[3] Abbott *v.* Sebor (N. Y. 1802) 3 Johns. Cas. *39; Halhead *v.* Young (1856) 6 El. & Bl. 312; M'Swiney *v.* Royal Exchange Assurance (1849) 14 Q. B. 634.

[4] Hodgson *v.* Glover (1805) 6 East 316; Lewis *v.* Rucker (1761) 2 Burr. 1167; Barclay *v.* Cousins (1802) 2 East 544; Eyre *v.* Glover (1813) 16 East *218, at p. *220; Grant *v.* Parkinson (1781) 3 Dang. 16; see Ionides *v.* Pender (1872) 27 L. T. R. 244.

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profits or insure the returns of a mere wager.[1] In the United States, on the other hand, the owner of the insured merchandise is not required to furnish this form of proof. In a New York case, Mr. Justice Livingston was positive that "it does not follow that a profit will be made if the cargo arrives: yet its loss would give a right to recover on such an insurance."[2] It has also been held by a court of the United States that the insured profits on a ship and cargo lost at sea were recoverable without showing that there would have been an ultimate profit if the loss had not occurred.[3] Contrasted in other words, the English law does not allow the owner of a cargo to shift market risks upon the insurance company—the latter takes only the risks of the sea; but the law of our own states allows the underwriter to accept both hazards. Certain it is, that in either case a profit consisting entirely of an unearned value or a scarcity surplus may be reaped on such speculative ventures not unlike the gains of the stock market. That is to say, this form of profit is simply "the improved value of the cargo when it has been landed at its destined port;"[4] and, as it may be fully insured against all perils of the sea,[5] it is plain that the entrepreneur takes only market risks. Yet this form of insurance has been properly legalized by favorable decisions.[6]

It is clear from the preceding discussion that while American jurists have recognized a pure surplus-value income, they have not gone far from the idea that profit is a concrete product of land, labor or capital. For example, the land itself, its contents and the chattels upon it are still considered as profits in modern decisions. Moreover, the theory that the concrete return of the land in the form of soil, minerals, fish and game

[1] Stat. 19 Geo. II, c. 37.

[2] Momford *v.* Hallett (N. Y. 1806) 1 Johns. *433, at p. *438.

[3] Patapsco Insurance Co. *v.* Coulter (1830) 28 U. S. *222.

[4] Halhead *v.* Young, *supra*, footnote 3, p. 204, at p. 324.

[5] Royal Exchange Assurance *v.* M'Swiney (1850). 14 Q. B. 646, at p. 660.

[6] Barclay *v.* Cousin, *supra*, footnote 4, p. 204, at p. 548; Craufurd *v.* Hunter (1798) 8 Durn. & E. 13; Lovatt *v.* Hamilton (1839) 5 M. & W. *639; King *v.* Glover (1806) 2 Pos. & Pul. N. R. 206; Flint *v.* Flemyng (1830) 1 B. & Ad. 45, at p. 48.

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is a profit in kind is a doctrine not far different from the legal rent concept; for rent may likewise be paid in land, products or money. In these cases, rent rests, therefore, wholly upon a productivity concept of the profit from land; it still issues out of the land or is paid out of the profits from it. Also tenements, as distinguished from the stock or chattels on leased premises, are still attached to the land, and rent issues from them as a matter of course. From the stock, however, only profits and interest are obtained, yet as an exception to this rule the courts in Virginia and Pennsylvania have also attached the rent concept to such chattels. These productivity concepts are a direct inheritance from certain leading cases of the medieval period. Their importance to-day is doubtless largely due to the conservative character of the law. But in reviewing the complex and trying questions which appear before American courts, one is fully impressed by the constant use which is still made of these concepts and the apparent need for their retention.

However, there is a tendency in some states to unite rents, profits, and interest into one income. As a New York court concluded:

> In fine, whatever this business continuously earned as rent or profits or interest or income or profit, is contemplated and described by the words "profits and gains" and "income" used by the testator, for rent is a profit, and profit is a gain; interest is a profit or income; income is a gain or a profit, and profit is a gain, and, generally, whatever is received for the hire or for the use of property is a gain.[1]

In rendering this decision the court left out only the labor and risk concepts of profit—an exception which was probably due to the fact that they were not relevant to a decision of the issue. This excerpt is a timely illustration of the flexibility of the common law and of the use of terms, which preserve so effectively the original profit concepts of medieval decisions. Of course, no real harm is done in recognizing that profits are paid out of land, capital, products or money; but great danger does lie in attributing to these elements the primary cause of

[1] Thorn *v.* De Breteuil, *supra*, footnote 4, p. 194, at p. 417.

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profits. By conceding to capital, labor, and land only their respective parts, we may more easily accomplish a much-needed analysis of the surplus increment which goes to the entrepreneur. But having discounted the effect of these factors upon production, the legalists are obviously puzzled over the exact nature of the surplus which remains after deducting interest and wages of management. This increment is being slowly analyzed and differentiated into its numerous elements; and only recently courts have realized its complex character.

Looking over the whole varied range of legal concepts of profit we may draw several pertinent conclusions:

First, although our courts have more or less discarded the labor concept of profit, except in suits for damages, there still remains sufficient legal authority for an efficiency theory of profits. That is, if we define efficiency profits as the gain arising from reduced costs of production, there are many decisions which in their general context would support this new concept of profit. As recent evolutions in industry have forced upon them new impressions of the magnitude of the residual surplus, less attention has been given to the labor and capital concepts of profit. In several decisions, indeed, it is denied that profits constitute a compensation for the use of capital; in other opinions it is likewise denied that profits form the real compensation of labor. That profits depend on the peculiar powers of both capital and labor, without being exactly a compensation for their services, is doubtless the view of many American judges. As we have observed, this surplus is commented upon in Bouvier's *Law Dictionary*. It is said there, in referring to the views of the classical economists, that gross profits equal the difference between the value of advances and the value of returns, that the net profit constitutes so much of this difference as may be due solely to the capital employed, and that "the remainder of the difference, or, in other words, the gross profits minus the net profits, has no particular name, but it represents the profits attributable to industry, skill and enterprise."[1] Again, in that branch of the law which controls the

[1] Bouvier, *loc. cit.*

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use of patented inventions, courts are constantly separating the profits of efficiency from the speculative surplus. If one producer infringes upon the rights of another by unlawfully using simply a patented process in production, the patentee is able to recover only the profits of efficiency. These are determined according to the advantage which the former derives from using the patented device in comparison with any other known method which would have secured exactly the same result.

Second, although American jurists do not deliberately or consciously recognize that profits often originate wholly in the increased intensity of demand forces, the value concept of profit has acquired constantly increased importance. For example, courts have realized that in the returns from investments in wild or wholly unproductive land, the profit surpluses are largely speculative and of a much different character from the returns on capital employed in commerce and manufacturing. Again, we have already noted that the life tenant is entitled only to the actual income or earnings from an estate, while the surplus value increment arising from the natural enhancement of property is construed to be capital. The latter is therefore added to the estate. Finally, in the case of monopolies the value surplus is easily recognized. The sudden evolution of trade combinations has revealed many new schemes for controlling the market surplus. And the remarkable interpretations which have been drawn from the common law in detecting the monopoly increment have proved the ability of American judges in meeting a most serious problem of modern times. Here at least the courts have recognized that contracts in partial restraint of trade may permit a daily harvest of unearned surpluses.

Third, whether our courts give recognition to an efficiency or a value concept of profit, or to any other of the preceding theories of the entrepreneur's income, such returns may be expressed in terms either of value or of concrete goods. In other words, the legal concepts of profit include all forms of the final product and all concrete factors of production; its unusual scope makes possible, therefore, the most searching inquiry into the earned and unearned increments of the undertaker.

Fourth, these economic doctrines of the common law are

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fully as substantial and persistent as other parts of its legal structure. Essentially vital to the present subject is the fact, that they will continue to affect legal reasoning, contractual rights, methods of wealth distribution, and indirectly the economic structure of the community. There is a constant readjustment between the legal and the social structure of economic society, and this change is reflected in legal-economic theory. In the English medieval law we have found the legal origin of a labor or cost profit which entered into the expenses of production; but in certain instances modern law has legalized both speculative and monopoly gains arising from the exploitation of market prices. What was bold robbery in medieval times may have become lawful service and legitimate production to-day. In the evolution from medieval to modern principles, the courts have found it unnecessary to draw a legal distinction between cost profits entering into the costs of production and speculative gains arising from an increased demand. However, in the adjustment of these economic concepts, it is likely that both jurists and statesmen will be forced ultimately to meet the vital legal-economic problem which lies in the separation of cost, speculative and monopoly profits.

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THE FOOD SUPPLY OF RUSSIA[1]

THE outstanding feature of the food situation in Russia, both in normal years and at the present time, is the predominant place occupied by the bread grains, wheat and rye. The Russians devote most of their cultivated land to the raising of bread grain, and derive a larger proportion of their nutriment from bread than does any other nation, so far as known, and the government records show much fuller statistics of grain production than of any other crop. But this is not to imply that the Russian any more than other people would be able or willing to live on bread alone, or that the other crops are to be ignored in a study of the food supply of Russia.

It is now well recognized that a satisfactory food supply must furnish: (1) adequate energy or fuel value—in other words, enough calories, (2) enough protein of suitable sorts, (3) sufficient amounts and proper proportions of the various mineral elements or ash constituents, (4) enough of those substances, not yet chemically identified but known to be necessary to normal nutrition, the food hormones or so-called vitamines.

Perhaps one may best combine convenience of discussion of the main types of food materials with recognition of the nutritive significance of each, by grouping them somewhat as follows: (1) Breadstuffs and other grain products, the most prominent sources of energy in the diet, important also as sources of protein, but less satisfactory as sources of the mineral elements and vitamines; (2) meats and fish, important as sources of protein and fat, adding thus in significant degree both to the protein content and the energy value of the dietary; (3) vegetables and fruits, which vary greatly in their protein and

[1] The gathering of the data on which this paper is based was the joint work of Mr. Harold H. Swift and the writer, as members of the American Red Cross Mission to Russia in the summer of 1917. In this work we were ably assisted by Mr. W. C. Nicholson and Mr. A. J. Schon. Although the paper was written in January 1918, publication was unavoidably delayed.

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energy values but are all important as sources of mineral matter and vitamines; (4) milk, important in all of these respects and possessing unique value as a growth-promoting food.

The Grain Crops

Wheat and Rye. Wheat and rye are best studied together because they are used interchangeably as bread grains by the Russian people. It is true that in normal times before the war wheat was largely exported and rye was not, so that the two crops were apt to be regarded as differing materially in commercial status; but it must be kept in mind that while rye itself is not exported to any great extent, the amount of wheat available for export in any given year depends not upon the wheat crop alone but rather upon the combined crops of wheat and rye, because any deficiency of the rye crop would in general mean an increased home consumption of wheat in order to meet the bread needs of the people.

In the past, rye has been more prominent than wheat in the diet of the Russian people, and especially of the peasants. This may have been due, as implied by most writers, to a preference for rye on the part of the peasants, or it may be more accurately attributable to the fact that wheat commands a better market for export and that only the south central parts of Russia have a climate well adapted to wheat culture, whereas rye is successfully grown over a much larger part of the country. Recently, however, the per-capita consumption of wheat in Russia has increased, while that of rye has remained stationary or has declined. The amounts of wheat consumed per person were: in 1894–99, 1.82 bushels; in 1900–1905, 2.46; in 1911–1913, 2.86; while for rye the corresponding amounts were 4.76, 4.78 and 4.47 bushels, respectively. It would seem that for Russia as a whole, the use of wheat as a bread grain must have been gradually gaining upon that of rye, and as at least six-sevenths of Russia's population is still rural, the increasing use of wheat can hardly be attributed entirely to the preference of the townspeople. Plainly the Russians generally will use wheat and rye interchangeably as bread grains, and, recently at least, with no special preference for the rye. The

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amount of wheat available for export (or storage) will therefore depend upon the extent to which the combined crops of wheat and rye exceed the amount needed for bread-grain by the Russian people, and the amount required for seed for the succeeding crop. In general the seed requirement in Russia averages one-sixth of the crop. The crops for recent years as reported in Russian official publications have been as follows: [1]

	WHEAT BUSHELS	RYE BUSHELS	WHEAT AND RYE BUSHELS
1911 . . .	561,724,800	715,165,600	1,276,890,360
1912 . . .	798,993,240	977,718,060	1,776,711,300
1913 . . .	1,024,452,060	940,946,760	1,965,398,820
1914 . . .	831,034,920	809,944,760	1,640,179,680
1915 . . .	824,201,760	846,627,060	1,670,828,820
1916 . . .	524,924,100	739,364,100	1,264,288,200

The corresponding statistics of exports are:

	WHEAT BUSHELS	RYE BUSHELS	WHEAT AND RYE BUSHELS
1911 . . .	144,337,000	32,324,400	176,661,400
1912 . . .	96,612,000	18,357,600	114,969,600
1913 . . .	121,953,600	23,682,000	145,635,600
1914 . . .	88,332,000	14,004,000	102,336,000
1915 . . .	6,660,000	3,481,200	10,141,200

For the year 1916 no statistics of exportation were available when the writer left Petrograd early in September 1917, but it is probably safe to assume that the volume of exports for that year was so small as to be well within the probable error of the crop estimates.

In view of the fact that before the war Russia exported large quantities of wheat, it seems to be commonly assumed that after the practical stoppage of exportation, great stores of the grain must have accumulated. One hears the assumption of "bursting granaries in the South" even though, through

[1] In Russian publications these and practically all other crops are reported in poods. One pood equals 40 pfunts ("Russian pounds") or 36 pounds avoirdupois. As we are now discussing wheat and rye somewhat interchangeably the bushel has here been considered as 60 pounds in the case of rye as well as of wheat. (American statistics commonly consider a bushel of wheat as 60 pounds but a bushel of rye as only 56 pounds).

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difficulties of transportation, the cities of northern Russia may be suffering for bread. Are such assumptions justified? The intensive wheat region, which may be roughly described as lying south and east of Moscow in European Russia, produces far in excess of its own needs, local consumption taking hardly half of the crop. The greater share of the surplus of this region is, however, needed to supply bread for the inhabitants of other parts of Russia; so that the amount available for export to other countries is far less than the local surplus of the wheat-belt. Formerly Russia exported about 25 per cent of her wheat crop; but the growth of population together with the increased per-capita consumption of wheat during the twenty years preceding the war resulted in an increasing proportion of the crop being consumed at home, so that in the three-year period 1911 to 1913 inclusive only 15 per cent of the wheat grown in Russia was exported. Of the combined crop of wheat and rye, nine-tenths were used at home and only one-tenth was sold abroad, so that a diminution of one-tenth in the production, unless accompanied by decreased consumption, would afford no surplus for exportation or storage. It has therefore seemed worth while to carry through a calculation of the probable needs of the growing population of Russia during the past six years in comparison with the amounts of grain available according to the above official data of production and exports. The result may here be given without the details.

The population of Russia for the years in question is given by the Central Statistical Committee of the Russian Ministry of the Interior as follows:

1911.	163,919,000
1912.	167,919,000
1913.	170,903,000
1914.	175,138,000
1915.	178,905,000

For 1916, in view of the occupation of considerable territory by the enemy, we assume for purposes of calculation a population of 175,000,000.

Since 1913 is the last complete year not affected by the war,

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the three-year period 1911–1913 inclusive has been taken as a basis for estimating normal per-capita consumption. It has already been stated that during these years the average amounts consumed were 2.86 bushels of wheat and 4.47 of rye or 7.33 bushels of the two grains combined. This is for consumption in the stricter sense. Adding the grain required for seed, the estimated normal home requirement becomes 9 bushels per capita of population. Since the crop of 1911, less the exports of that year, leaves an amount much less than this estimated need, it is probable that the carry-over from 1911 to 1912 was very nearly nil. The crop of 1912, however, after deducting for exports and allowing for normal consumption, leaves an estimated carry-over of about 50,000,000 bushels. A continuation of the same method of calculation (and the same assumption as to normal need) through the succeeding years would bring us to the conclusion that in January 1917 there would have remained in the country only 20,000,000 bushels of wheat and rye, whereas the "visible commercial reserve" officially reported as of February 1, 1917 was 48,695,000 bushels, and the total amount of these grains in the country, in addition to the quantities needed for seed, was doubtless greater than this latter figure. That the actual reserve in the early part of 1917 was larger than estimated by applying the assumptions above noted to the officially reported statistics of production and export, may be explained in at least two ways. (1) Since the government had placed upon grain a maximum price which was not in proportion to the greatly increased cost of the supplies which the farmer must buy, and since the value of the ruble was steadily decreasing, the farmer was naturally inclined to regard his grain as of more worth than the rubles which he could obtain for it; and the temptation to hoard his grain and understate the amount of his crop to avoid having it commandeered by the government must have been very strong. Under these conditions it seems likely that the figures reported for the wheat and rye crops of 1916 may have been somewhat below the amounts actually harvested. (2) In view of the shortage of flour and the introduction of card systems to regulate the amount of bread which any one family might buy, as

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well as the milling of a higher percentage of the wheat kernel into bread flour, and a growing tendency to substitute barley for part of the wheat or rye in breadmaking, it is probable that the per-capita consumption of wheat and rye during 1916 was somewhat lower than the rate assumed as normal on the basis of conditions existing before the war.

It is therefore quite possible that there may have existed in Russia before the harvest of 1917 considerably more wheat and rye than the reported "visible reserve" of 48,695,000 bushels; but it appears very improbable that there were any such vast stores of wheat as many people seem to have assumed.

How the 1917 crop compares with the needs of the population for the year 1917–1918 it is not possible to say. When the writer left Petrograd on September 11, only fragmentary crop reports had been received, and in view of disturbed conditions during the autumn months it seems doubtful if accurate and comprehensive statistics for 1917 will ever be obtainable. But enough was known of the condition of the crops at the time of harvest and of the diminution of acreage due to scarcity of labor, abnormal economic conditions and agrarian unrest, to warrant the conclusion that her 1917 crop was little if at all in excess of Russia's needs for home consumption.

The Oat Crop of Russia averages, like that of the United States, around 1,000,000,000 bushels per year; but in Russia the oat crop is so strictly devoted to horse feeding and so little of it comes, or can come, into human consumption that it would be misleading to include it in our present summary.

The Minor Grain Crops and Sugar. Perhaps the most striking and fundamental difference between the food industries of Russia and the United States is the relatively small production of corn (maize) in Russia as compared with the huge corn crop of the United States. With us the corn crop is usually about three times the combined production of wheat and rye, while in Russia the production of corn is scarcely a twentieth of the wheat and rye crop. The per-capita production of corn in the United States is about thirty bushels; in Russia, about one-half of one bushel. Less than one-tenth of the American corn crop is directly consumed by man, much the greater part

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of it being converted into meat by feeding to farm animals. The corn raised in Russia is mostly used directly as human food.

Official statistics show the following production[1] of barley, buckwheat, maize, millet, rice and sugar in Russia during recent years:

	BARLEY BUSHELS	BUCKWHEAT BUSHELS	MAIZE BUSHELS	MILLET BUSHELS	RICE BUSHELS	SUGAR TONS (SHORT)
1911 . . .	435,206,000	50,743,000	94,837,000	67,301,000	10,255,000	2,070,000
1912 . . .	494,801,000	58,373,000	93,786,000	106,433,000	10,302,000	2,030,000
1913 . . .	598,358,000	54,365,000	83,265,000	98,451,000	7,495,000	1,357,000
1914 . . .	431,264,000	39,798,000	89,814,000	74,310,000	13,806,000	1,495,000
1915 . . .	427,821,000	44,751,000	71,315,000	92,958,000	10,243,000	1,890,000
1916 . . .	335,749,000	53,414,000	*	68,790,000	*	1,633,000

The corresponding data of exports are as follows:

	BARLEY BUSHELS	BUCKWHEAT BUSHELS	MAIZE BUSHELS	MILLET BUSHELS	RICE BUSHELS	SUGAR TONS (SHORT)
1911 . . .	196,979,000	4,314,000	52,573,000	1,060,000	99,000	498,000
1912 . . .	126,531,000	3,905,000	29,539,000	910,920	87,000	424,000
1913 . . .	179,781,000	3,535,000	22,820,000	1,480,000	111,000	162,000
1914 . . .	90,500,000	2,035,000	11,236,000	958,000	93,000	140,000
1915 . . .	304,000	27,000	27,000	*	*	103,000
1916 . . .	*	*	*	*	*	*

* Data not available.

In general it would appear that any decreased production as the result of disturbed conditions and shortage of labor during the first three years of war has been compensated by the decreased exportation so that the amounts of these grains available for home consumption have probably not decreased. On the face of the figures this would appear to be true of sugar as well as of the grain crops, but in Petrograd and several other cities there has been and is a marked shortage of sugar. In fact sugar was the first commodity to be "put on card." This is doubtless due partly to difficulties of transportation, but probably also to two other factors. There has been difficulty in getting the sugar refined, so that the amount reaching the market during the past two years may have been considerably less than the amount reported as produced; and of the available sugar a large proportion has been taken for the use of the

[1] Barley and buckwheat are counted as 48 pounds to the bushel, corn (maize) as 56 pounds, and millet and rice as 60 pounds per bushel.

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army, the allowance to the soldiers being doubtless considerably larger than the amount which the same men would have consumed as peasants at home. Thus the standard ration of the Russian soldier at the front includes one-twelfth of a pound of sugar per day, or at the rate of 30 pounds per year, whereas the per-capita consumption of sugar by the whole population of Russia is estimated at from 12 to 20 pounds per year. It is interesting to note that in the years preceding the war the Russian people were exporting sugar while consuming less than one-fourth as much per capita as is consumed by the people of the United States.

The increased use of barley as a bread grain has probably fully made good, so far as actual food value is concerned, any decrease which may have occurred in the sugar supply of the civil population. A considerable proportion of barley flour may be mixed with wheat flour in bread-making without materially influencing the character of the resulting loaf; and admixture of barley flour with rye makes a loaf more attractive and palatable, to the American taste, than the whole-rye bread which of late has been the only alternative usually available in the northern parts of Russia. Practically all the buckwheat raised in Russia is used as human food either in bread-making or ground as *kroupa* (groats) in the preparation of which the milling losses are said to be relatively small.

Kroupa for the grain as milled or *kashia* as served after cooking, is the general term in Russia for such preparations as are commonly called groats, breakfast cereals, or simply "cereals" in English. *Kashia*, however, is not used simply as a breakfast porridge but is also (and more commonly) cooked like rice, sometimes with addition of fat, and served with meat or incorporated in liberal amounts in soups and stews, or eaten with them. Soup and *kashia* often make an entire meal.

Buckwheat is the grain preferred for making *kashia*, but *kashias* are also made from wheat, barley, millet, maize or rice. The readiness of the Russians to use *kashia* in large quantity and to accept it as prepared from any one of several grains, tends to ensure an economical use of all the grain crops for human food. An equal open-mindedness and adaptability in

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the use of our various grain crops in the United States would go far to ensure the success of the present campaign for food conservation and especially for the sparing of wheat.

Meats and Fish

In Russia there are vast grazing areas which are so sparsely settled that the difficulty of ascertaining the numbers of animals upon them or the numbers or weights of those killed and consumed locally must be practically insurmountable, so that statistics either of live stock owned or of meat produced in Russia as a whole, must be regarded as subject to a relatively large probable error. The numbers of cattle, sheep and swine which we find officially reported are as follows:

	CATTLE	SHEEP	SWINE
1910.	51,187,000	79,166,000	13,434,000
1911.	51,622,000	78,331,000	14,087,000
1912.	48,896,000	74,066,000	13,508,000
1913.	51,354,000	73,961,000	14,232,000
1914.	52,051,000	72,272,000	15,093,000
1915.	47,657,000	74,847,000	14,543,000

The figures available for the year 1916 cover only European Russia. For this area they show a larger number of cattle than was shown by the census of the preceding year. This, however, is believed by the statistical authorities of the Russian Ministry of Agriculture to be due to improvements in the methods and completeness of the census work rather than to actual increase in the number of cattle. The actual number is probably as large as the 1916 census shows, but there were probably also as many as this in 1915. If, as seems probable, the true number of cattle in Siberia is correspondingly larger than the census for 1915 showed, the total number of cattle in Russia would be about 55,000,000, or about 30 cattle per hundred of population as compared with about 60 cattle per hundred people in the United States. Thus, notwithstanding the fact that Russia is largely a sparsely populated grazing country, the ratio of cattle to people in Russia is only about half as great as in the United States.

Beef Production. Of the total cattle in European Russia, 45

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per cent are reported as milch cows; for Siberia the corresponding data are not available. As a very rough estimate it seems probable that the amount of beef produced and consumed in Russia, averaged for the entire population, is about 30 pounds per capita per year.

Mutton. If the assumption made above in regard to the number of cattle may be applied also to sheep, the total number of sheep in Russia may approximate 90,000,000 to 95,000,000, or 50 to 55 sheep per hundred people—about the same ratio as in the United States. At a conservative estimate one would then expect a mutton production of about 7 pounds per capita per year. The mutton supply is probably being better maintained under war conditions than is the beef supply because mutton appears to be less highly appreciated than is beef in Russia and the great demand for meat for the army probably has resulted in a relatively greater sacrifice of cattle than of sheep.

Pork. By the same sort of reasoning as in the case of cattle and sheep we should expect a total of about 18,000,000 swine in Russia and a production of about 6 pounds of pork per capita of population per year. It is of course chiefly because of the large amount of corn which we devote to hog-feeding that the United States maintains over 60 swine per hundred of population while Russia has only 10 or 12.

Our separate estimates of beef, mutton, and pork thus total 43 pounds of meat per capita per year for Russian consumption, which is in substantial agreement with the estimate of 40 pounds published a few years ago by the United States Department of Agriculture in the discussion of the meat situation in the United States.

Generally speaking, very little grain has been fed for meat production in Russia. With exportation of grain stopped by the war, the question naturally arises whether the grain which would normally have been exported is now being fed for meat production instead. So far as we can find, this is not being done, at least not to any important extent. The decreased production and heavy demands of the army seem to have very nearly offset the decreased exportation, so that the country does

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not have any considerable surplus of grain over its needs for human consumption. If this is true it must follow that until conditions are such as to make possible a general advance in agricultural production, it would be difficult if not impossible for Russia to increase her per-capita production or consumption of meat without sacrifice of breeding stock.

Fish. The fish industry of Petrograd has been studied and reported in detail;[1] for the rest of Russia we have approximate estimates. According to the Russian official statistics of 1913 the consumption was equivalent to 9.3 pounds per capita, while Veberman's estimate corresponds to about 14 pounds of food fishes per capita of population per year. While fish is naturally more abundant in the coast regions, yet on account of the many rivers in Russia there is a considerable diffusion of the fish supply throughout a very large proportion of the whole country so that fish constitutes for the people in general a considerable supplement to the meat supply.

Poultry and Eggs. Except for the lack of quick transportation, conditions in Russia would seem to be favorable to poultry culture, and before the war there was a considerable export trade in eggs, but we have been able to find no statistics of total production or consumption. In Petrograd before the war eggs were consumed at about the same rate as in the United States—about 4 or 5 eggs per capita per week. But before the middle of 1917 no one was permitted, even at the height of the egg season, to purchase in excess of this rate, which was certainly much more than the per-capita consumption for the entire population of Russia, for in the past the peasants have generally been too poor to be able to eat a proportionate share of the eggs which they produce. At present on account of the difficulty experienced by the peasant in purchasing his supplies, and his unwillingness to sell his products at prices fixed by the government, it is probable that a larger proportion of the eggs produced and of the fowls killed for food are consumed by the peasants than was formerly the case. Partly for this reason

[1] Veberman. The Fish Supply and Fish Industry of Petrograd. Statistical Department of Petrograd City Duma. Bulletin No. 2, 1917. (In Russian).

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and probably to a much greater extent because of failure of transportation, the egg supply of Petrograd has rapidly diminished until in January 1918 it was stated that "the Food Commission has limited eggs to children under 3 years, each child to have four eggs a month. But eggs are not obtainable at any price."

Vegetables and Fruit. Of these crops the only ones regularly included in the official statistics for the country as a whole are potatoes, beans, peas and lentils. The officially reported production of these vegetables in recent years is as follows:

	POTATOES BUSHELS	PEAS BUSHELS	BEANS AND LENTILS BUSHELS
1911	1,172,381,000	26,357,000	10,456,000
1912	1,391,260,000	32,712,000	13,389,000
1913	1,314,774,000	33,593,000	13,264,000
1914	972,780,000	18,462,000	9,127,000
1915	825,447,000	14,172,000	8,861,000
1916	767,400,000	*	*

* Data not available at time of compiling this report.

At the time of compiling these data (September 1917) neither statistics for 1916 nor estimates of the probable crop for 1917 were available in the case of peas, beans or lentils. It was expected that the potato crop in 1917 would be about the same as in the preceding years. It was pointed out by the statistical bureau of the Ministry of Agriculture that the decreased production of potatoes in the immediate past as compared with a few years earlier does not nessarily imply any decrease in the supply available for human food, because the abolition of vodka has resulted in the saving of large quantities of potatoes formerly used for making alcohol. According to the same authority, about 20 per cent of the potato crop is required for seed in Russia. If in the case of peas, beans and lentils the allowance for seed be placed at one-sixth of the crop the amounts of the vegetables here reported available for human consumption under average conditions in Russia would approximate 370 pounds of potatoes and 17 pounds of dried legumes per capita per year. Thus the per-capita consumption of potatoes appears fully one-third higher in Russia than in the United States and in this respect we should do well to learn from the

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Russian people, for the higher consumption of potatoes is certainly desirable on both economic and nutritional grounds. Both Russians and Americans would do well to cultivate a higher appreciation and larger use of peas, beans and lentils. The writer was told that dried peas, while not used in very large quantities, are regarded as a staple food in northern Russia but are scarcely used in other parts of the country, and that beans and lentils are little used outside of the southern regions, and are used abundantly only in the Caucasus. As the result of a considerable use of dried legumes in the army during the war, these foods are now becoming more generally familiar, and decorticated peas are beginning to appear in the grocery trade.

Among other vegetables considerably used in Russia but for which no comprehensive statistics could be obtained, beets, cabbage, cucumbers, and onions are perhaps worthy of special mention. It has already been noted that a peasant meal may consist almost solely of soup and *kashia*; the soup is usually either a beet soup (*borsch*) or a cabbage soup (*tschee*)—the former more commonly in the south of Russia, the latter in the north. The three kinds of fresh vegetables other than potatoes which are considered sufficiently important in Petrograd to be recorded individually in the municipal statistics of that city are cabbage, cucumbers and onions, of which the quantities shown by the records correspond to an annual per-capita consumption of 23, 38 and 12 pounds respectively. On account of the difficulty of recording all the vegetables brought into Petrograd by nearby farmers or raised in suburban vegetable gardens and consumed at home, it is not improbable that the actual per-capita consumption may be somewhat higher than these data would indicate. The error from this source, however, is not likely to be serious because the country surrounding Petrograd consists so largely of unproductive salt marshes. The data for potatoes indicate a per-capita consumption of only a little over two bushels per year in Petrograd as against an average of over six bushels for Russia as a whole. If it should be assumed that the per-capita consumption of the other vegetables mentioned is also three times as high for all Russia as is indicated by the

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recorded data for Petrograd we should be led to the conclusion that the consumption of cucumbers amounts to an average of over 100 pounds per year for every man, woman and child. Without attaching too much importance to this speculative suggestion, it may nevertheless be emphasized that the cucumber occupies a very prominent place in the Russian dietary. Throughout the entire railway journey from Vladivostok to Petrograd the quantities of cucumbers which were being consumed by both soldiers and employees along the railway, by the people of the towns and villages at which the train stopped,[1] and by the Russian traveling public were, to American eyes, nothing less than astonishing. Raw cucumbers are eaten by the Russians with quite as much relish as Americans eat apples, and apparently in larger quantities, at least during the summer season. In addition to this, salted or baked cucumbers very commonly take the place of potatoes as the accompaniment of meat at the table. The cucumber shares with the cabbage and potato the responsibility for the protection of the Russian from scurvy,[2] a matter of considerable importance since this disease appears to be much more prevalent in Russia than in Western Europe or in America. It seems highly desirable that experimental studies be made of the antiscorbutic property of the cucumber as compared with other vegetables, and of the extent to which (if at all) this property is lost when cucumbers are preserved in brine.

Fruit. As would be expected from the vast extent and varied climate of the country, Russia produces many kinds of fruits and berries, a large proportion of which must be consumed locally and without entering into commercial channels so that

[1] The long stops made by the Russian trains even at small stations permit one to see much more of the life of the people than can be seen in a corresponding journey in America.

[2] In speaking thus of the prevention of scurvy by liberal use of fruits and vegetables it is not intended to prejudge the problem as to how far scurvy is to be regarded as referable to faulty diet and how far infection may be involved. Whatever the cause of scurvy, it seems to be sufficiently established that some foods have antiscorbutic properties. Even if scurvy should prove to be a specific infectious disease it would still remain true that in scurvy as in tuberculosis the nutritive condition and therefore the food supply is an extremely important factor.

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statistical estimates must involve large assumptions. The only comprehensive statement regarding Russia's fruit crop which we have seen is that in *The Russian Yearbook*[1] which shows a total corresponding to 30 pounds of fruit per capita of population per year. The fruit as well as the vegetable supply is an important factor in keeping the diet well balanced with reference to its mineral elements and adequate as to antiscorbutic properties. An unfortunate effect of restricting the sale of sugar by the card system has been that householders were unable during the fruit season to secure the extra sugar needed for the canning of fruit and the making of jams and jellies, so that less of these fruit preserves will be available for the people generally this winter than in normal years, and danger of scurvy will be correspondingly increased.

The Milk Supply

No accurate or comprehensive data regarding the total production or consumption of milk or its products in Russia are available. Evidently this is because the dairy industry is not highly developed except in a few districts and the number and productiveness of milch cows kept singly or in small herds by peasant farmers cannot be accurately known. The municipal statistics of Petrograd and Moscow show plainly that the per-capita consumption of milk in these cities is much below the minimum which we regard as satisfactory, but for the country villages, in which the majority of the Russian people live, there are no statistics of milk supply, and one meets some difference of opinion as to whether in general there is a shortage of milk in the rural villages or not. The first Russian peasant meal which the writer happened to see was a mid-day repast consisting of bread and a liberal amount of cottage cheese which was being consumed by a solitary worker in the vicinity of Vladivostok; and at the other extreme boundary of Russia's vast domain, dietary studies of Finnish farmers[2] have shown that milk forms a large part of their daily food. Unfortunately we

[1] London: Eyre and Spottiswoode.

[2] Sundström: Untersuchungen über die Ernährung der Landbevölkerung in Finland. Helsingfors, 1908.

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cannot assume that these observations are representative of the food habits of the Russian people as a whole. In accordance with the uniform custom of Russian statistical reports we do not include Finland in giving data either of population or of food production or consumption in Russia. The per-capita milk supply of the Russians generally is certainly very much less than that of the Finns. Judging from the total number of cattle in Russia, and the proportion of milch cows among them as reported by the statistical bureau of the Ministry of Agriculture, it would seem that there might be expected a milk production approximatiug 100 pounds per year per capita of population, but the estimate given us informally by the Ministry of Agriculture corresponds to only 55 pounds per capita. Even accepting the higher of these figures it is evident that milk does not occupy so prominent a place in the diet of the Russian people generally as is desirable from the nutritional standpoint; and since this limited amount of milk is produced and consumed very unequally with respect to population in different parts of the country, it necessarily follows that in some regions there is serious shortage of milk. This is particularly true of Petrograd and to a less extent of Moscow. According to municipal statistics of the summer of 1917, Petrograd received only one-thirtieth of a quart of milk per capita of population per day, and Moscow about one-tenth of a quart, whereas the cities of the United States receive one-fifth to one-third of a quart per capita per day and those who have given most attention to the subject feel strongly that nothing less than the latter allowance can be regarded as really adequate. Without at all minimizing the importance of other factors, such as the direct injury done by the feeding of unsuitable articles of food, the frequency of unsanitary housing among the poor, and the employment of mothers outside of the home, it seems unquestionable that the inadequate amount of milk available to the majority of people in Russia must be one of the chief causes of the high death rate among Russian children, which is more than twice that for corresponding groups in this country. That the results of this inadequacy in the milk supply are no worse than they are is probably due to the fact that Russian children

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commonly receive their mothers' milk for a much longer period than is usual in the United States. In the case of Petrograd the difficulties of securing the needed amount of milk in the fresh state appear for the present to be insurmountable. Petrograd normally depends for its supply of milk chiefly upon Finland and the Baltic provinces. The very serious shortage of hay and cattle-feed in Finland and the strained political relations between that country and Russia have had the effect of very nearly cutting off the Finnish supply at the same time that the supply from the Baltic provinces has been greatly diminished by the German invasion and the presence of large numbers of troops in this region. If the German advance on the Riga front has led to the removal of some part of the excess population of Petrograd, it has also cut still further into the milk supply. It seems certain that for some time to come Petrograd must depend for a considerable part of its milk supply upon condensed or dried milk from abroad.

Adequacy of Food Supply to Nutritional Needs

That many parts of Russia are suffering acutely from food shortage is attributed by some to the difficulties of transportation, by others to a production so reduced by labor shortage and agrarian troubles that it would be inadequate even if well distributed. It is obviously of fundamental importance to know how the nutrients supplied by the food available in Russia as a whole will compare with the nutritive requirements of the total number of people to be fed. This involves computing from the amounts and chemical compositions of the various articles of food the quantities of nutrients supplied, and comparing these with the quantities required for normal nutrition as shown by quantitative laboratory investigations. For the purpose of such a comparison it is desirable to state the nutritive value of the food supply in terms of calories, protein, phosphorus, calcium and iron. In order to do this, however, we must assume the quantities of the various food crops which are to be devoted directly to human consumption. If equally accurate statistics of production were available as a starting point, the assumption just mentioned could probably be made with less error for

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Russian than for American crops inasmuch as the quantities of grain which might be available for human food but are actually fed to animals instead are very much smaller in Russia than with us.

Practically the entire wheat and rye crops of Russia are milled for human food, but the milling percentages vary with locality and abundance or scarcity of grain and flour at the time. In Petrograd and northwest Russia generally, one sees at present practically nothing but black bread made from flour representing literally the entire rye grain, perhaps mixed with more or less barley. A typical flour mill which we visited near the eastern boundary of the province of Perm, which before the war had produced seven grades of flour, was in 1917 making only whole rye flour, the rye being cleaned only to the extent of the removal of coarse chaff and pebbles. Every 100 pounds of grain as poured from the peasants' sacks was made to yield 98 to 99 pounds of flour, the difference being chiefly due to the mechanical loss of dust produced in the grinding process. Since the crease of the kernel usually contains more or less sand, the flour produced without either scouring the grain or rejecting the bran necessarily makes a bread which is not only black and soggy but also gritty. In some parts of Russia, however, gray or brownish bread made from flour which probably represents 80 to 85 per cent of the grain is available along with the black bread made from whole rye or whole wheat flour. For the purpose of constructing a hypothetical Russian dietary to represent as nearly as may be the average food habits of the entire country, it is here assumed that the wheat and rye flour used for bread the country over will approximate on the average 90 per cent of the entire weight of wheat and rye milled, which as already explained is estimated at seven and one-third bushels per capita per annum. With buckwheat and with rice the milling losses are doubtless larger and with these grains it is assumed that 80 per cent of the weight of the net crop passes into the form of human food. Of barley, maize and millet it is necessary to assume, in addition to the milling losses, that a part of the crop will be fed to farm animals and not all of it devoted directly to human nutrition.

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We assume in the table below that barley, maize and millet flours and groats used as human food will approximate 50 per cent of the net weight of these crops. In all cases the necessary allowance for seed has been made in computing the net crop. Of potatoes and legumes it is assumed that practically all the net crop is used for human food. The assumptions which it has been necessary to make in order to arrive at estimates of per-capita consumption of other principal foods have been discussed in the foregoing text. The per-capita consumption of eggs is assumed at one-fourth that of the United States, this being approximately the ratio which appears to exist in the cases of meat and of milk.

HYPOTHETICAL RUSSIAN FOOD SUPPLY PER CAPITA PER YEAR

ARTICLES	WEIGHT POUNDS	ESTIMATED NUTRIENTS				
		CALORIES	PROTEIN GRAMS	PHOSPHORUS GRAMS	CALCIUM GRAMS	IRON GRAMS
Wheat and rye flour[1]	396	645,480	18,720	426	58.1	4.52
Barley products	72	116,280	2,756	64	5.8	0.42
Buckwheat	10	15,800	282	10	1.7	0.05
Cornmeal	12	19,440	504	10	1.0	0.06
Millet	14	22,400	672	15	2.0	0.16
Rice	2	3,180	72	1	. .	0.01
Sugar	13	23,590	. . .	. . .	. .	. .
Beef and veal	30	21,450	2,108	23	1.2	0.32
Mutton	7	8,500	413	4	0.1	0.06
Pork	6	12,870	216	2	0.1	0.03
Fish	12	5,060	605	7	0.7	0.03
Eggs	6	3,550	321	4	1.6	0.07
Dry beans, peas and lentils	17	26,600	1,734	36	1.3	0.54
Potatoes	370	111,700	2,960	77	17.9	1.74
Cabbage[2]	23	2,780	141	3	4.0	0.10
Cucumbers[2]	38	2,580	119	5	2.3	0.03
Onions[2]	12	2,390	79	2	1.6	0.02
Fruit (as apples)	30	6,420	41	1	0.8	0.03
Milk	75	23,550	1,119	32	41.0	0.08
Vegetable fats and other fat	5	20,400	. . .	. . .	. . .	. . .
Total for year	. .	1,093,940	32,862	722	141.2	8.27
Per capita per day	. .	2,997	90	1.98	0.39	0.023

[1] Estimated as half wheat and half rye and so milled as to average the same percentages of phosphorus, calcium and iron as do the socalled "entire wheat" flours of the United States.

[2] Petrograd statistics.

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Both the number of calories and the quantity of protein per capita of population thus estimated for Russia is almost identical with Taylor's estimate of the food consumption of the United Kingdom. While many of the assumptions which it has been necessary to make in order to arrive at this estimate are individually questionable, yet there seems no good reason to doubt the general conclusion that Russia's food supply is just about sufficient in total food value for the needs of her population provided the food can be properly distributed. While it seems certain that under present conditions Russia can have no very great surplus of food, yet her supply appears sufficient for her own needs as regards calories and ample as regards protein, phosphorus and iron. The estimated calcium content, however, is undesirably low, as is usually the case in communities having a low per-capita milk supply. The Russian diet appears to consist too largely of bread and other grain products, and too little of milk, vegetables and fruit, to be well proportioned. In the United States, according to Kellogg and Taylor, bread furnishes 31 per cent, all grain products 41 per cent of the total calories of the food supply. In France, which shows the largest dependence upon bread of any of the seven countries considered by these authors, bread furnishes 53 per cent and all grain products 58 per cent of the total calories. In Russia if the above estimates are approximately correct, bread furnishes 59 per cent and all grain products provide 66 per cent of the total calories of the food. A larger use of milk and vegetables would certainly improve the character of the diet from the standpoint of the modern chemistry of nutrition and would in all probability greatly reduce the death rate of Russia's children and the scurvy rate among the adults of the northern parts of the country.

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IRREGULAR VOTING IN THE UNITED STATES[1]

TWO or three decades ago, the party was armed with fairly effective sanctions especially in holding the allegiance of those who aspired to office; for "regularity" was a prime qualification for a convention nomination and to wish to see the party candidate "knocked into a cocked hat" was a kind of treason which was usually punished by perpetual proscription. Candidates boasted on the stump that they had never "scratched" the party ticket. A corporal's guard of the rank and file under cover of the secret ballot sometimes deserted their generals; but most of them never thought of breaking the spell of party tradition. Ever since political parties began to function, however, there have been some who have been outright anti-partisans, and who have protested with Halifax that "the best party is but a kind of conspiracy against the rest of the nation." At the present time philosophical anti-partisans like Halifax[2] and Godwin,[3] practical anti-partisans

[1] During the last decade, so far as I know, there have been no important studies of irregular voting. Prior to 1908, several notable studies appeared, making painstaking use of election statistics: Lowell, The Influence of Party upon Legislation in England and America, in American Historical Association Report (1901), vol. i; Lowell, Oscillations in Politics, *Annals of the American Academy* (1898), p. 69; Lowell, Government of England, vol. ii, chs. xxxv, xxxvi; Allen, Ballot Laws and their Working, POLITICAL SCIENCE QUARTERLY (1906), p. 38; Allen, The Trend toward a Real Democracy, *Outlook*, vol. 84 (1906), p. 120; Shaw, W. B., Good Ballot Laws and Bad, *Outlook*, vol. 81 (1905), p 863; Chapin, The Variability of the Popular Vote at Presidential Elections, *American Journal of Sociology*, (1912–1913), p. 222. We now need comparative studies which will show electoral reactions according to states, urban and rural districts, races, sexes, literacy, native and foreign-born, economic conditions, ballot-forms etc. Such studies may be statistical, psychological or sociological. The social psychologists have not overlooked the electoral "crowd," but their conclusions are uniformly depressing. See, for example, H. G. Wells, Anticipations, p. 147; Trotter, Instincts of the Herd in Peace and in War, pp. 35, 45; Wallas, Human Nature in Politics, p. 229, Christensen, Politics and Crowd Morality, ch. viii; Le Bon, The Crowd, p. 201. The amazing amount of forgetfulness and suspicion which a student encounters in this field presents serious obstacles to the socio-political survey of a precinct, township or other division, valuable as such a survey would be.

[2] Gooch, Political Thought in England from Bacon to Halifax, p. 199.

[3] Brailsford, Shelley, Godwin, and their Circle, p. 87.

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like Washington,[1] Calhoun[2] and Ostrogorski, and disgruntled rebels like Bolingbroke are few; but there is an increasingly large number of electors who view parties merely as instruments of government and who mark their ballots on grounds wholly apart from considerations of group-loyalty.

A mass of legislation designed to assist the reaction against parties is in itself convincing evidence of the strength of this reaction. State and federal statutory provisions may be classified as follows: (1) Those which deprive the parties of functions or of strength: for example, the secret ballot, the merit system of appointment, the direct primary, especially the more popular "open" primary which disregards party allegiance, corrupt-practice acts, bi-partisan and non-partisan administrative boards, the permitting of fusion, the initiative and referendum, and proportional representation; (2) those which exclude party designations in nominations and elections to certain offices; for example, the preferential ballot, special non-partisan ballots for municipal, judicial, educational and county officers,[3] and the elimination of party names from general ballots;[4] (3) those which by the form and arrangement of the ballot aim to encourage and facilitate ticket-splitting; for example, the office-group ballot, the "short" ballot, the elimination of the party circle and emblems and provisions for the writing-in of names and the use of stickers; (4) those which provide for impartial election machinery; for example, secrecy in voting, publicity in counting, checks on "assistance," public printing and distribution of ballots, bi-partisan or omni-partisan election boards, and challengers representing all parties and independent organizations; and finally, (5) provisions relating to the time of

[1] Or Hamilton. Farewell Address.

[2] Calhoun, Disquisition on Government, Works, vol. i, pp. 40–42.

[3] California alone has non-partisan tickets for county officers. A bill to apply non-partisanship to state offices was defeated in 1915 by popular vote. Among the other states Wisconsin is about as thorough-going as any in this respect, providing separate non-partisan ballots for city officers, all judges, and state and county superintendents of schools. Minnesota elects members of the legislature by non-partisan ballots.

[4] Evans, History of the Australian Ballot System in the United States, p. 43; See below, Table IV.

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elections; for example, the separation of municipal and school from regular elections. In many respects the effects of these laws have been disappointing; and the assumptions implicit in some legislative movements that strong party organization should be wholly eliminated and that parties should be disregarded in legislation as well as in administration appear unwarranted. There are already some signs of a cessation of legislative activity in this field and of a realization of the fact that extreme non-partisanship may be as untenable as extreme partisanship.

Parties no longer monopolize the work of organizing and expressing public opinion. Prohibition and woman suffrage approach their goal without being made party issues; and municipal voters' leagues, chambers of commerce, labor unions and other influential organizations depend for their usefulness on a deliberate disregard of parties. War illustrates how partisanship evaporates under the heat of a more urgent loyalty; and the vast system of registration and exemption boards has shown how acceptable and efficient an administrative service may be when divorced from parties.

There is no doubt that voting irregularity[1] has increased in the last quarter of a century;[2] but its tendencies and present nature are difficult to analyze. "Statistics are proverbially deceptive." Used in a study of irregular voting they are a test of quantity rather than quality. They throw little light on individual motives and character or on social and economic influences. They are an extremely rough measure even of quantity. It would be futile to draw conclusions from anything less than a series of tests applied to a series of elections, checking one by another and checking all by commonsense. The

[1] The term "independent" has a moral and intellectual connotation which renders it inapplicable to a large number of voters who disregard party lines. For this reason I shall use the term "irregular," which has the merit of carrying neither praise nor blame, which is the antonym of "regular," a term in common use, and which accurately describes the relation of these voters to party discipline.

[2] Chapin, The Variability of the Popular Vote in Presidential Elections, *American Journal of Sociology* (1912–13), p. 222; Allen, The Trend Toward a Pure Democracy, *Outlook*, Sept. 15, 1906, pp. 120–125; Ray, An Introduction to Political Parties and Practical Politics (Revised edition), p. 335.

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following tests, which are by no means original, are submitted for what they are worth and with no idea that the conclusions which they suggest are final.[1]

1. *The Variability of the Vote*[2]

Perhaps no electoral phenomenon has a better claim to be termed a law in the physical sense than the so-called "swing of the pendulum." It appears in the familiar reactions of mid-term Congressional elections; and although it shows itself most graphically in the oscillations of doubtful and pivotal states like New York and Indiana, it has, as a matter of fact, attained greater numerical proportions in certain "rock-ribbed" and "safe" states.[3]

[1] Such election statistics as are available are published by the states, sometimes merely in the newspapers, sometimes in an official bulletin, sometimes in the annual report of the Secretary of State or in the legislative manual. The reports of the different states vary widely in form and content, but usually consist of nothing more than a bare statement of the vote by counties for the various candidates. In a public document (No. 43, 1917) of some 700 pages, Massachusetts publishes the number of assessed polls, the number of registered voters, and the vote for all candidates except local candidates in all elections and precincts. The neighboring state of Connecticut contents itself with a leaflet of ten pages in which it omits the election returns for different candidates but includes the number of registered voters, the number of ballots cast, and the number of ballots rejected. Rhode Island records a matter of the greatest interest, the number of those who voted straight tickets by parties. The Illinois publication separates the votes of men and of women and gives the vote for President by sexes, counties and parties. It is regrettable that statistics of registration and voting are not included in the United States Census Reports.

A memorial of the American Political Science Association adopted at its 1908 meeting declared: "It is highly desirable that there should be a further development of election statistics. It is impossible to reach an accurate view of the detailed workings of our institutions without specific statistical information concerning elections, the participation of voters, and especially of women and Negroes in districts where the suffrage is granted to them."

In response to written requests addressed to the Secretaries of State of the various states I received copies of the returns of Indiana, New Hampshire, Missouri, Illinois, Nevada, Idaho, North Dakota, Texas, Arizona, Tennesee, Oregon, Kentucky, Wisconsin, California, Virginia, Utah, Minnesota, Colorado, Washington, Wyoming, Massachusetts, Delaware, Pennsylvania, South Dakota, Michigan and North Carolina.

[2] Lowell, Government of England, vol. ii, p. 101 *et seq.*; Lowell, Oscillations in Politics, *Annals* (1898), p. 69; Chapin, The Variability of the Popular Vote in Presidential Elections, *American Journal of Sociology* (1912–13), p. 222.

[3] See Table III.

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Electoral variability is as pronounced in England as it is in America and is probably due to much the same causes in both countries. Many voters are ignorant of the practical difficulties which lie in the way of swift and uncompromising results in legislation and administration. The opposition, at least in America, is reckless in its criticisms and promises; it distorts the voter's view of the facts and exaggerates its own powers of performance. Since government has entered the field of social and economic legislation, parties tend to bid higher and higher for the voter's favor in a field where the keeping of promises is most difficult. Voters are taught to expect something concrete and special, and are usually doomed to be half-satisfied or wholly disappointed. Thus, a new tariff usually creates a strong electoral reaction against the party responsible for its enactment. The spoils system creates disappointments and factions and contributes to the reaction.[1] Many variables, perhaps, are moved purely by the "trial and error" instinct; while others have a more or less indefinite theory that rotation is desirable and that a periodical "clearing out of the rascals" has a wholesome effect. In England and America each of the major parties represents all shades of opinion from radical to conservative; and, when in office, it must adopt a radical program which drives away conservative votes, a conservative program which drives away radical votes, or a compromise or stand-pat program which dissatisfies both extreme Right and extreme Left. Shiftings can occur freely where the two-party system prevails and the parties are opportunistic, but much less freely where the parties are multiple and coincide more or less with horizontal social divisions. There, the variability is likely to be in the legislature and to cause frequent cabinet changes.

War inhibits the tendency toward variability. "Khaki" elections are proverbially Government victories.[2] The Opposition subsides; the "Don't swap horses" argument acquires unanswerable cogency; the people wish to show to the enemy

[1] Calhoun explained the connection between patronage and "vibrations." Disquisition on Government, Works, vol. i, p. 42.

[2] *E. g.*, the election of 1900 in England; the elections of 1862, 1864 and 1898 in the United States; and the election of December 1917 in Canada.

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TABLE I

REPUBLICAN PRESIDENTIAL VOTE IN PERCENTAGES OF TOTAL VOTE, 1892–1916

	1892	1896	1900	1904	1908	1912	1916
Alabama	3.9	28.1	34.7	20.7	24.5	8.3	22.
Arkansas	32.0	25.1	35.1	40.3	37.3	19.6	28.
California	43.8	49.3	54.5	61.9	55.5	0.6	46.
Colorado	41.5	13.8	42.5	55.3	46.9	21.9	34.
Connecticut	46.7	63.2	56.9	58.1	59.6	35.9	49.
Delaware	48.6	53.4	53.7	54.0	52.1	32.9	50.
Florida	13.7	24.2	19.2	21.5	20.7	8.6	18.
Georgia	21.6	36.9	28.6	18.5	31.4	4.3	7.
Idaho	44.3	21.3	47.0	65.9	54.3	31.5	41.
Illinois	45.7	55.7	52.8	58.8	53.7	22.1	52.
Indiana	46.1	50.8	50.6	54.0	48.6	23.1	47.
Iowa	49.8	55.5	58.0	63.4	55.6	24.4	53.
Kansas	48.1	47.2	52.6	64.9	52.5	20.5	44.
Kentucky	39.4	48.9	48.4	47.2	48.1	25.5	46.
Louisiana	23.2	21.8	21.0	9.7	11.8	4.9	7.
Maine	54.1	67.8	61.9	67.1	63.0	20.5	51.
Maryland	43.5	54.6	51.5	48.8	48.8	23.7	44.
Massachusetts	51.9	69.5	57.8	57.9	58.2	32.0	50.
Michigan	48.4	53.9	58.1	69.5	62.0	27.6	52.
Minnesota	45.6	56.7	60.2	72.3	59.3	19.3	49.
Mississippi	2.7	7.3	9.7	5.5	6.6	2.4	4.
Missouri	42.0	45.2	46.1	49.9	48.6	31.4	47.
Montana	42.5	19.1	39.7	54.2	47.1	23.0	38.
Nebraska	43.6	45.9	50.5	61.3	47.6	21.8	40.
Nevada	25.9	18.8	37.7	56.7	43.8	15.0	36.
New Hampshire	51.1	68.7	59.3	60.1	59.7	37.5	49.
New Jersey	46.2	59.7	55.3	56.6	56.8	20.5	54.
New York	44.6	57.5	52.8	53.1	53.4	29.0	50.
North Carolina	35.8	46.9	45.5	39.6	45.5	12.0	42.
North Dakota	48.5	56.6	62.1	74.9	61.0	26.7	46.
Ohio	47.7	52.1	52.3	59.6	51.0	26.8	44.
Oklahoma	. .	. .	. .	. .	43.4	35.7	34.
Oregon	44.6	50.0	55.3	67.1	55.8	25.3	49.
Pennsylvania	51.5	60.9	60.7	67.9	58.9	21.6	55.
Rhode Island	50.7	68.3	59.7	60.9	60.8	35.6	51.
South Carolina	18.9	13.5	7.0	4.6	6.0	1.1	2.
South Dakota	49.4	49.5	56.7	71.1	58.0	0.0	49.
Tennessee	37.6	46.2	44.6	43.4	46.0	24.0	42.
Texas	18.3	30.8	29.4	21.9	22.9	9.5	17.
Utah	. .	17.2	50.6	61.4	56.2	37.6	38.
Vermont	68.1	80.1	75.9	78.0	75.1	37.3	62.
Virginia	38.7	45.8	43.9	36.7	38.4	17.0	32.
Washington	41.4	41.8	53.4	70.7	57.9	22.4	43.
West Virginia	46.9	52.4	54.3	55.3	53.4	21.1	49.
Wisconsin	46.0	59.9	60.0	63.2	54.5	32.9	49.
Wyoming	50.6	48.3	58.5	66.8	55.4	34.5	42.

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TABLE II

DEMOCRATIC PRESIDENTIAL VOTE IN PERCENTAGES OF TOTAL VOTE, 1892–1916

	1892	1896	1900	1904	1908	1912	1916
Alabama	58.9	67.4	60.9	73.9	71.9	69.9	75.
Arkansas	59.9	73.8	63.5	55.3	57.2	55.6	66.
California	43.9	48.4	42.3	27.0	33.0	42.8	46.
Colorado	57.1	85.0	55.5	41.1	48.0	42.8	60.
Connecticut	50.0	32.5	41.0	38.1	36.0	39.2	46.
Delaware	48.9	42.7	44.9	44.1	45.8	46.5	46.
Florida	85.0	70.7	73.6	69.8	64.7	72.8	69.
Georgia	57.8	57.8	66.6	64.4	54.5	76.7	79.
Idaho	54.2	78.1	50.8	25.3	37.3	32.6	52.
Illinois	48.8	42.7	44.4	30.4	39.9	35.3	43.
Indiana	47.4	47.6	46.6	40.2	47.1	43.1	46.
Iowa	44.6	42.8	39.5	37.1	40.6	37.7	42.
Kansas	50.5	51.1	46.0	26.1	42.9	32.9	49.
Kentucky	51.5	48.9	50.3	49.8	49.8	48.5	52.
Louisiana	76.8	76.4	79.0	88.5	84.8	76.4	85.
Maine	41.3	29.2	34.8	28.8	33.3	39.4	47.
Maryland	53.4	41.8	46.2	48.8	48.6	48.6	53.
Massachusetts	45.2	26.3	37.8	37.2	34.0	35.5	46.
Michigan	44.0	43.5	38.9	25.8	32.3	27.4	44.
Minnesota	37.8	40.8	35.6	23.1	33.1	31.8	46.
Mississippi	76.2	90.0	87.5	91.4	89.6	88.9	92.
Missouri	49.6	54.0	51.5	46.0	48.5	50.0	55.
Montana	39.7	80.7	58.4	33.8	42.6	35.3	57.
Nebraska	12.5	51.9	47.2	23.0	49.0	43.7	55.
Nevada	6.6	81.2	62.3	33.0	45.7	37.5	53.
New Hampshire	47.1	25.8	38.4	37.7	37.8	39.6	49.
New Jersey	50.7	36.0	41.1	37.8	39.1	41.2	42.
New York	47.9	38.8	43.8	42.3	44.1	41.9	44.
North Carolina	47.4	52.7	53.9	59.7	54.2	59.3	58.
North Dakota	49.0	43.5	35.5	20.3	34.8	34.1	47.
Ohio	47.5	47.3	45.7	33.6	44.8	41.0	51.
Oklahoma							
Oregon	18.1	49.9	39.6	19.4	34.4	35.1	46.
Pennsylvania	45.1	36.2	36.2	27.1	35.4	32.5	40.
Rhode Island	45.8	26.4	25.0	36.2	34.1	39.1	46.
South Carolina	77.6	85.3	93.0	95.4	93.8	96.0	96.
South Dakota	12.8	49.7	41.1	20.7	35.1	42.3	46.
Tennessee	51.9	52.2	53.2	54.2	52.7	52.6	56.
Texas	56.6	68.1	64.4	71.5	77.2	72.6	76.
Utah	44.0	83.0	48.3	32.9	39.2	32.7	59.
Vermont	29.3	16.7	22.9	18.8	21.8	24.4	35.
Virginia	56.1	52.6	55.3	62.0	60.6	66.0	67.
Washington	33.9	55.2	41.7	19.7	32.9	27.6	48.
West Virginia	49.3	46.9	44.7	42.1	43.1	42.1	48.
Wisconsin	47.8	37.0	36.0	28.0	36.7	41.4	43.
Wyoming	46.1	51.1	41.5	29.1	39.7	36.2	54.

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TABLE III

PERCENTAGES OF VARIABILITY BASED ON REPUBLICAN AND DEMOCRATIC VOTES, 1892–1916

(PERCENTAGES BASED ON DEMOCRATIC VOTE ARE ITALICIZED)

	1896	1900	1904	1908	1912	1916	AVE. 1892–1916
South Dakota	*36.9*	8.6	*20.4*	*14.4*	58.0	49.0	31.21
Nevada	*74.6*	18.9	*29.3*	12.9	28.8	21.0	30.91
Montana	*41.0*	*22.3*	*24.6*	*8.8*	24.1	*21.7*	23.75
Utah	*39.0*	*34.7*	*15.4*	*6.3*	18.6	*26.3*	23.38
Nebraska	*39.4*	*4.7*	*24.2*	*26.0*	25.8	18.2	23.05
California	5.5	*6.1*	*15.3*	6.4	54.9	45.4	22.26
Oregon	*31.8*	*10.3*	21.8	*15.0*	30.5	23.7	22.18
Idaho	*23.9*	*27.3*	*24.7*	*12.0*	22.8	*19.4*	21.68
Washington	*21.3*	*13.5*	*22.0*	12.8	35.5	20.6	20.95
Colorado	*27.9*	*29.5*	*14.4*	8.4	25.0	*17.2*	20.40
North Carolina	11.1	*8.0*	*15.2*	*14.5*	33.5	30.0	18.71
Minnesota	11.1	*4.4*	*12.5*	13.0	40.0	29.7	18.45
Maine	13.7	5.9	*6.0*	*4.5*	42.5	30.5	17.18
Kansas	0.9	5.4	*19.9*	*16.8*	32.0	23.5	16.58
North Dakota	8.1	*8.0*	*15.2*	*14.5*	34.3	19.3	16.56
Pennsylvania	9.4	0.2	*9.1*	9.0	37.3	33.4	16.40
New Jersey	*14.7*	*5.1*	*3.3*	*1.3*	36.3	33.5	15.70
Vermont	*12.6*	*6.2*	*4.1*	*3.0*	37.8	25.9	14.93
Michigan	5.5	*4.6*	*13.1*	7.5	34.4	24.4	14.91
Iowa	5.7	*3.3*	5.4	7.8	31.2	28.6	13.66
Rhode Island	*19.4*	8.6	*11.2*	*2.1*	25.2	15.4	13.65
Massachusetts	*18.9*	11.7	.6	*3.2*	26.2	18.0	13.20
Alabama	24.2	6.6	14.0	3.8	16.2	13.7	13.10
Illinois	10.0	2.9	*14.0*	*9.5*	31.6	29.9	12.98
Georgia	15.3	*8.8*	10.1	*9.9*	*22.2*	9.4	12.61
West Virginia	5.5	*2.2*	*2.6*	1.9	32.3	27.9	12.06
Ohio	4.4	*1.6*	*12.1*	*11.2*	24.2	17.2	11.78
Wisconsin	13.9	*1.0*	*8.0*	8.7	21.6	16.1	11.55
New Hampshire	*21.3*	*12.6*	0.8	0.4	22.2	11.5	11.46
Indiana	4.7	*1.0*	*6.4*	*6.9*	25.5	23.9	11.40
Connecticut	*17.5*	*8.5*	*2.9*	*2.1*	23.7	13.1	11.30
Wyoming	*5.1*	10.2	*12.4*	11.4	10.9	*17.8*	11.30
New York	12.9	*5.0*	*0.5*	*1.8*	24.4	21.0	10.93
Maryland	*11.6*	*4.4*	2.7	*0.2*	25.1	20.3	10.71
Arkansas	*13.9*	*10.3*	*8.2*	3.0	17.7	*10.4*	10.58
Kentucky	9.5	*1.4*	1.2	0.9	22.6	20.5	9.35
Virginia	7.1	*2.7*	7.2	1.7	21.4	15.0	9.18
Tennessee	8.6	1.6	1.2	2.6	22.0	18.0	9.00
Texas	12.5	*3.7*	7.5	*5.7*	13.4	7.5	8.38
Florida	*14.3*	5.0	*3.8*	*5.1*	12.1	9.4	8.28
Missouri	*4.4*	*2.5*	*5.5*	*2.5*	17.2	15.6	7.95
Delaware	*6.2*	*2.2*	*0.8*	1.9	19.2	17.1	7.90
Louisiana	1.4	*2.6*	11.3	*3.7*	*8.4*	*8.6*	6.00
Mississippi	*13.8*	*2.5*	4.2	*1.8*	4.2	*3.1*	4.93
South Carolina	7.7	7.7	2.4	1.4	4.9	0.9	4.16

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their unity and confidence in their leaders; and a successful war gives the party in power enormous prestige. If in the future foreign policy becomes relatively more important, its influence may be expected to work against rapid party alternations. Such would also seem to be the effect of popular education in political science and economics, the removal of the tariff from politics, budgetary and "pork-barrel" reform, and the extension of the merit system.

There are national variables and state variables. They may or may not be ticket-splitters; and, since national variability is probably little affected by election devices or by local political situations, its statistical study is somewhat more satisfactory than that of ticket-splitting.

Tables I and II show for each state the Republican and Democratic presidential votes in percentages of the total vote in each of the last seven presidential elections.[1] The percentage of variables at each election, that is, those who "flopped" from one party to another, is found by comparing either the Republican or the Democratic vote at this election with the vote of the same party at the preceding election; for the difference between the party votes in two consecutive elections will roughly represent the "swing" either to or from that party. In normal two-party elections, such as those between 1896 and 1912, a loss of ten per cent by the Republican party will indicate a gain of ten per cent by the Democratic; but when the variables are passing to and from third parties, as in 1892, 1896, 1912 and 1916, numerical accuracy can be approached only by selecting for comparison the party vote which shows the greatest fluctuation. Table III, therefore, which shows the number of variables in percentages of the total vote in each election, shows also incidentally the party which gained or lost more by their changeability.[2]

[1] The percentages are taken from the *World Almanac*. Oklahoma, Arizona and New Mexico are not considered.

[2] The method may be illustrated by taking the vote of South Dakota in 1892, 1896 and 1900.

	1892	1896	1900
REPUBLICAN	49.4	49.5	56.7
DEMOCRATIC	12.8	49.7	41.1
POPULIST	37.6		

In the elections of 1892 and 1896 the Republican vote varied only .1 of one per

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It was shown some years ago that variability was on the increase;[1] but there was possibly greater variability before the Civil War than there has been since. Table III shows that in the period 1892–1916 there was the greatest variability in the western states and the least in the southern states. In fact, the ten states leading in variability are all western; and the twelve states lowest in the list are all former slave states. Western states of exceptionally low variability are Iowa and Wyoming; while North Carolina is a southern state of exceptionally high variability, behaving, particularly in 1904 and 1908, exactly like the western states. Maine, Pennsylvania, and Vermont reveal a sensitiveness which is to be expected from states which have been known at different times as "barometer" states. The low variability of Ohio, Indiana, New York and Connecticut indicates the tightly drawn party lines of the "doubtful" states. During the period largely dominated by the silver issue and the personality of Bryan, the states which led in variability were Nevada, Utah, Montana and Nebraska, states of large silver production and the home of the Democratic candidate. It will be seen that various eastern states had in 1896 a rather high bolting percentage, from which the Democratic party chiefly suffered, one about fifty per cent lower in 1900, and practically none at all in 1904 and 1908, when apparently the Gold Democrats had either returned to their original affiliation or had become permanently Republican. During this time, however, western voters remained in a condition of flux. California was one of the most stable states in the Union until the

cent. The Democratic vote varied 36.9 per cent. The latter figure represents with approximate accuracy the number of variables, for the figures show that a number of voters equal to 37.6 per cent had left the Democratic party in 1892 and returned in 1896. These Populists were in reality Democratic variables. Similarly, in the years 1912 and 1916 it is only by a comparison of Republican votes that the true situation can be revealed. The use of percentages partly obviates the difficulty presented by increases of population or by the adoption of woman suffrage which may nearly double the electorate. No statistical method can show the number of votes, in many cases considerable, which are interchanged between parties or the exact effect of the absentee vote. The actual percentage of variability would practically always be larger than the computed percentage. How much larger it is impossible to say.

[1] Chapin, The Variability of the Popular Vote at Presidential Elections, *American Journal of Sociology* (1912–13), p. 222.

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uprising against the Southern Pacific Railroad and the advent of Hiram Johnson inaugurated an era of radicalism.

Preeminently it was the economic issues of 1892, 1896, 1912 and 1916 which forced re-alignments among the ranchmen and miners. The influence of these disrupting issues was reinforced, not always intelligently, by the personal attraction, peculiarly effective in the west, of Bryan and Roosevelt and the counter-repulsion, acting at times simultaneously, of McKinley, Parker, Taft and Hughes. Of course, as a matter of fact, the issues did not act on western thought as external influences; they were born in the west and were forced on the parties by the western independents. Because the parties were national and not western and because they varied in their readiness to absorb these issues, the western radical had to use now one, now another. In reality, in the period since 1892 the parties themselves have been the variable factors. The western irregular has been the true regular—a regular radical.

2. *Ticket-Splitting*

In the time of strong party organizations and machine politics "straight" voting was counted a virtue by the politicians because the loss of local offices weakened the national organization. Thus, in 1888 a Democratic politician in Detroit offered a one hundred dollar silk banner to the ward club polling in its ward the largest number of straight Democratic votes. Between 1896 and 1906 there was a rapid increase in the amount of ticket-splitting,[1] and in 1912, perhaps, there was more than ever before. In that year a Republican county chairman in Michigan openly told public meetings how to split their tickets so as to vote for Roosevelt presidential electors and the Republican county ticket, and what was done openly by this chairman was done under cover by others. We have too hastily assumed in the past that ticket-splitting is always synonymous with intelligence.[2] In many cases it is; since it

[1] Allen, The Trend Toward a Pure Democracy, *Outlook* (1906), p. 124; Shaw, Good Ballot Laws and Bad, *Outlook*, Dec. 9, 1905.

[2] For example, take the following: "The membership of a political majority exhibits a complete gradation of mental development, from a quick and sensitive intel-

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may spring from an understanding of the governmental organization and the necessity of differentiating among offices. The discriminating voter may admit the claims of party in one field of political action and deny them in another. A slightly different type of intelligent ticket-splitting perceives the truth that President Wilson expressed in 1908 that "governments are always governments of men, and no part of any government is better than the men to whom that part is entrusted;" and such an independent marks his ballot on grounds wholly apart from considerations of party.[1]

On the other hand, ticket-splitting may be due to racial or personal loyalties as blind and unreasoning as the most extreme partisanship, or to the largely irrational commonplace that a candidate usually runs ahead of his ticket in his own community, getting the votes presumably of his friends and of those who are primarily interested in community boosting and in home products of all kinds. Thus, a candidate for Congress in Montana appealed for votes in his home town solely on grounds of what he termed "sentiment." The "home vote" is a phase of the narrow-minded localism which invariably compels our members of Congress to be residents of the districts which they represent; and as a result of it we have restricted our choice of presidents and vice-presidents to states where party lines have been tightly drawn, involving the presidential office in state politics and making it more partisan than the bulk of the electorate.

Moreover, ticket-splitting may bear the taint of ignorance and corruption. Adams County, Ohio, where some years ago practically all of the voters were convicted of accepting bribes, had in 1916 a percentage of ticket-splitting larger than that of the rest of Ohio and three times as large as that of Cincinnati. It is a notorious fact that the yoke of partisanship rests

ligence at the margin, where independent voting occurs, to stupid bigotry in the unstimulated interior of the mass." Giddings, The Nature and Conduct of Political Majorities, POLITICAL SCIENCE QUARTERLY (1892), p. 116.

[1] What proportion these voters bear to the whole number of irregulars it is impossible to say. Professor Giddings estimated in 1892 that they comprised fifty or sixty per cent of the total irregular vote. *American Journal of Sociology* (1892), p. 124.

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lightly on the saloon-keeper, who is always in politics, and on the precinct or ward boss, who is usually a saloon-keeper. In the so-called controlled precincts of the large cities split tickets are numerous,[1] and often the illiterate know better how to scratch their tickets than the literate. Such ticket-splitting is independent only in its statistical aspects. Paradoxically, the real independent is neither a straight voter nor a crooked voter.

It is well-known that many careless, indifferent, and superficial voters mark their ballots according to the sound or position of names. Politicians know full well the priceless vote-catching qualities of a euphonious combination, the value of the first column on the ballot, and the advantage of having one's name appear at the top of a list.[2]

Ticket-splitting, furthermore, is a matter of degree. Those who leave their party on governor and, returning, remain in the straight path all the long way from lieutenant-governor to coroner are manifestly less discriminating than those who advance their pencils into the less frequented regions of the jungle which we call the ballot. Members of election boards declare that most ticket-splitters concentrate on one vulnerable candidate.

Finally, under certain circumstances it may be a voter's duty not to split his ticket. Where a party organization is corrupt from top to bottom often the only way to administer a stinging rebuke is to defeat all of its candidates.

Ticket-splitting is an art that American voters have learned in the last quarter of a century. In spite of the many astonishing features of the 1916 election, it was not apparently a record-breaker in the matter of ticket-splitting. In Rhode Island, which counts its cases of electoral insubordination, 34.5 per cent of the Republicans and Democrats scratched their tickets in 1912 and 31.7 per cent in 1916. These are the

[1] Millspaugh, Party Organization and Machinery in Michigan since 1890, pp. 117, 162; Bi-Partisanship and Vote Manipulation in Detroit, *National Municipal Review*, Oct., 1916.

[2] In the party-column states, such voters would tend to vote a straight ticket; in the office-group states a split ticket.

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highest percentages in that state since 1905.[1] In other states percentages of ticket-splitting were less in 1916 than in 1904 and the highest percentages of 1916 were no higher than twelve years before.

In the almost universal absence of official records of straight and scratched ballots, the investigator must perform a somewhat uncertain operation upon the election returns. Take, for example, California in 1916. There were 928,805 Wilson and Hughes voters. Wilson's plurality was 3,773. Hiram Johnson's plurality, on the Republican side of the ledger, was 296,815. To create the gap between Hughes and Johnson, measured by 3,773 plus 296,815 votes, it was necessary that 150,294 Californians who voted for Wilson should split their tickets and vote for Johnson. This is 16.1 per cent of the combined Republican and Democratic vote. A state's ticket-splitting percentage on all offices can be found in the same manner.[2]

[1] STRAIGHT VOTING IN RHODE ISLAND, 1906–1916

Year	*Total Rep. and Dem. vote for Gov.*	*Straight Rep. and Dem. ballots*	*Per cent straight*
1906 . . .	65,072	51,016	78.3
1907 . . .	64,305	50,895	79.1
1908 . . .	70,082	52,151	74.4
1909 . . .	62,445	46,610	74.6
1910 . . .	65,940	47,514	72.0
1911 . . .	68,544	51,915	75.7
1912 . . .	66,858	43,843	65.5
1914 . . .	74,178	52,600	70.9
1916 . . .	85,682	58,559	68.3

[2] Take, for example, the returns from South Dakota in 1916. The total Republican and Democratic vote for president was 123,408. The lowest Republican plurality was that for president, 5026. The highest Republican plurality was that for attorney-general, 24,822. The percentage of ticket-splitting on these candidates is found by the following computation: 24,822–5,026 = 19,796. 19,796 ÷ 2 = 9,898. 9,898 ÷ 123,408 = .08 = 8. per cent. Another method leading to the same results will be found explained in Allen, Ballot Laws and their Working, POLITICAL SCIENCE QUARTERLY (1906), p. 44.

The method is inexact in that it takes no account of interchanges of votes between the two parties, of votes given to third parties, and of those who do not vote at all for minor candidates. The actual percentage would always be much larger than the computed percentage. In Rhode Island in 1916 the Republican and Democratic straight tickets were 68.3 per cent of the total vote of the two parties; that is, 31.7 per cent of the voters split their tickets. The statistical method gives 14.4. Our figures do not lie, but evidently they tell only a half-truth.

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TABLE IV—BALLOT-FORMS WITH PER-

GROUP	STATES	BALLOT ARRANGEMENT		
I—	Virginia.	Office-group	No party-circle	No emblems
	Florida	"	"	"
	Mississippi.	"	"	"
	Tennessee.	"	"	"
	Arkansas	"	"	"
	Nevada.	"	"	"
II—	California	"	"	"
	Kansas	"	"	"
	Minnesota.	"	"	"
	Massachusetts	"	"	"
	Maryland	"	"	"
	New Jersey	"	"	"
	Oregon	"	"	"
III—	New York.	"	"	Emblems
IV—	South Dakota	Party-column	"	No emblems
	Iowa	"	"	"
	Wyoming	"	"	"
	Montana	"	"	"
V—	Nebraska	Office-group	Party-circle	"
VI—	Vermont	Party-column	"	"
	Washington	"	"	"
	Illinois	"	"	"
VII—	Alabama	"	"	Emblems
	West Virginia	"	"	"
	Michigan	"	"	"
	Oklahoma.	"	"	"
	Delaware	"	"	"
	Ohio	"	"	"
VIII—	Pennsylvania	Office-group	"	No emblems
	Colorado [1].	"	"	"
IX—	Wisconsin.	Party-column	"	"
	Connecticut	"	"	"
	Idaho	"	"	"
	Maine	"	"	"
X—	Arizona.	"	"	"
	North Dakota	"	"	"
XI—	Utah	"	"	Emblems
	Indiana.	"	"	"
	Louisiana	"	"	"
	New Hampshire . . .	"	"	"
	Rhode Island	"	"	"
XII—	Missouri	"	No party-circle [2]	No emblems
	Texas.	"	"	"
XIII—	North Carolina. . . .	Party ballots [3]	Party-circle	"
	New Mexico.	"	"	"

[1] Compare Evans, p. 41, with Laws relating to Elections Primary and General, State of Colorado 1914.

[2] The elector votes straight by crossing out all the tickets for which he does not wish to vote.

[3] North Carolina has now adopted the blanket ballot.

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CENTAGES OF TICKET-SPLITTING, 1916[4]

	VOTING RATIO	TICKET-SPLITTING PERCENTAGE		
		ALL OFFICES	PRES. & SEN.	PRES. & GOV.
No party names	20: 20			
"	"			
"	"			
"	"			
"	"	11.2	5.8	
Party names	"	16.1	16.1	
"	"	. . .	. . .	16.8
"	"	21.2	12.9	21.2
"	"	7.0	1.6	2.4
"	"	. . .	4.8	
"	"	. . .	1.7	1.2
"	"	12.3		
"	"	4.2	3.6	1.5
"	"	8.0	. . .	7.0
"	"			
"	"	7.1	3.5	
"	"	. . .	6.4	7.5
"	1: 11	. . .	5.4	6.4
"	"	. . .	11.8	7.9
"	"	11.8	11.8	0.3
"	"	4.4	. . .	0.5
"	"			
"	"	. . .	0.5	0.5
"	"	4.3	4.3	3.6
"	"			
"	"	5.0	3.7	1.3
"	"	. . .	1.5	3.8
"	1: 20	1.9	1.9	
"	"	13.3		
"	"	. . .	10.6	4.5
"	"	. . .	3.9	1.4
"	"	9.6	. . .	5.6
"	"	. . .	1.8	
"	1: 21	18.1	3.7	11.8
"	"	31.7	8.5	31.7
"	1: 20	4.0	2.1	4.0
"	"	. . .	0.4	1.6
"	"			
"	"			
"	"	. . .	. . .	4.0
"	"	14.4	7.2	5.2
"	3: 23	2.4	0.2	
"	"			
"	1: 21			
"	"	. . .	0.8	0.9

[4] For the facts presented in this table I am greatly indebted to Evans, A History of the Australian Ballot System in the United States; but I have also consulted the election laws of the following states: Maryland, Utah, California, Iowa, West Virginia, Wisconsin, Pennsylvania, Maine, Nebraska, Texas, Louisiana, Michigan, Virginia, Nevada, New Hampshire, Delaware, New York, Idaho, Oregon, New Jersey, Colorado, Minnesota, Mississippi, Illinois, Wyoming and Washington.

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Table IV summarizes the ballot-forms of the various states, according to the encouragement they offer to ticket-splitting, giving, with the exception of the southern states, their ticket-splitting percentages on all candidates, on president and senator, and on president and governor.[1]

There are five elements of a ballot which may affect ticket-splitting: the grouping of the names of candidates by parties or by offices; the presence or absence of a party-circle for straight voting; party names; party emblems; and the number of marks required for a straight and for a split ticket. In Groups I, II, III and IV, comprising eighteen states, the ballots differ in form but all are alike in the fact that the straight voter and the ticket-splitter must make an equal number of marks indicated by the ratio 20:20.[2] In Group XII the straight voter draws a mark through each of the columns occupied by the parties[3] which he wishes to vote against, while the ticket-splitter must not only scratch out the excluded parties but also the candidates whom he opposes and then write in the names of the candidates whom he favors. In Group XIII each party has a separate ballot and the voter must select one; otherwise the procedure is the same as in Group XII and the discouragement of ticket-splitting apparently greater.

Table IV shows that in general the Western states lead in ticket-splitting as well as in variability. This form of irregularity has been especially pronounced in Minnesota,[4] the two Dakotas and on the Pacific coast. The "hide-bound" states of Vermont and Rhode Island again make a better showing than the "doubtful" states of New York and Indiana.

If we compare states by sections, say Washington, Oregon and California, or Minnesota, North Dakota and South Dakota,

[1] For some states figures were not available.

[2] The various ratios are secured by assuming in all cases that there are twenty offices to be filled and that the ticket-splitter wishes to vote for ten Republicans and ten Democrats. In eighteen states, therefore, every voter must make twenty marks.

[3] Assuming that there are four parties. In this group the ticket-splitter must make the following marks: four large crosses, ten straight lines and ten written names.

[4] Minnesota led the states in ticket-splitting in 1900 and 1904. Allen, POLITICAL SCIENCE QUARTERLY (1906), p. 46.

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or New Jersey and Pennsylvania, or Massachusetts and Rhode Island, or Wyoming and Colorado, or Maryland and Delaware, we shall see that such comparisons yield in general more agreement than disagreement in percentages, even though there are wide differences in ballot-forms among the states compared. In Rhode Island, which changed in 1905 from a favorable to an unfavorable form, the percentage of ticket-splitting on president and governor declined from 11.87 in 1904 to 5.2 in 1916, but ticket-splitting on all offices has apparently increased.[1] Massachusetts, which is famous for its model ballot, had a percentage of 15.0 in 1904 but only 2.4 in 1916.[2] Since 1914 seven states have changed from unfavorable to favorable forms. In the five states for which figures are available, ticket-splitting increased in two and decreased in three.[3]

It is dangerous to generalize from one or two elections, and especially so without a knowledge of the politics of the states concerned. Unfortunately for the statistician, the imponderables—factional contests, local issues and personalities—are never the same in two states. In 1916 California and Washington, superficially viewed, seemed to be political doubles. Each had been swept by Roosevelt in 1912; each had a former Progressive running for the senate on the Republican ticket; each had woman suffrage; each had much the same social texture and radical temper; and each has had since 1892 nearly the same average percentage of "variables."[4] California with a favorable ballot had a ticket-splitting percentage of 16.1; Washington with an unfavorable ballot a percentage of 11.8.

[1] See note 1, p. 243.

[2] On president and governor.

[3] TICKET-SPLITTING IN STATES WHICH CHANGED FROM UNFAVORABLE TO FAVORABLE BALLOT FORMS:

State	*Offices*	*1904*	*1916*
Kansas . . .	Pres. and Gov.	9.85	16.8
New Jersey .	Pres. and Gov.	3.56	1.2
New York. .	Pres. and Gov.	3.08	1.5
South Dakota	Pres. and Gov.	3.29	7.0
Wyoming .	All	10.34	7.1
California . } Iowa . . . }	No figures available.		

[4] See Table III.

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The difference is marked, and we shall not quarrel with those who attribute it to the difference in ballots; but is there not a reasonable alternative view that Johnson was merely more popular in California than Poindexter in Washington? Or that the Republican managers were more obtuse in California than in Washington?

In any event, there was not in 1916 that correspondence between ballot-forms and ticket-splitting which seemed to be clearly shown by the returns of 1904.[1]

The theory that a shorter ballot will promote independence seems to be thoroughly sound; but unfortunately election statistics throw little light on the subject. England has a genuine short ballot; and, while ticket-splitting does not take place there owing to the fact that only one office is filled at each election, variability is about the same as in the United States. No American state employs a really short ballot in its general elections; but the longest ballots are in the west, where irregularity is greatest. The Washington ballot in the election of November 1916 contained one hundred and eleven names and twelve initiative and referendum propositions, and the ballot in North Dakota was about as long.

3. Rural and Urban Irregularity

It is possible by selecting counties or precincts within a state to segregate social and economic classes and to compare them with respect to irregularity. Lowell's investigations in England led him to think that the variable came from the poorer classes.[2] There has been as yet no investigation in this country

[1] P. L. Allen's conclusion in 1906 that it is "a demonstrable fact that the form of the ballot affects powerfully the result of our elections" apparently requires revision. (*Outlook*, 1906, p. 125. See also Shaw, Good Ballot Laws and Bad, *Outlook*, Dec. 9, 1905.)

The results of ticket-splitting are seen in the political complexion of elective state and county offices. It is an interesting fact that in the middle of 1915 twenty-seven states had representatives of two or more parties in their elective administrative offices and in several of these states the offices were shared almost equally by two parties.

In the remaining 21 states, 13, mostly southern, were administered entirely by Democrats, and 8 by Republicans. Facts have not been available for a general survey of party representation in county governments. In 1917, however, out of 115 counties in Missouri, 72 had both parties represented.

[2] Lowell, Government of England, vol. ii, p. 112.

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sufficiently thorough to justify conclusions. The same may be said with respect to the comparative irregularity of country and city. The rural states of the west have, it is true, a higher percentage of irregularity than the urban states of the east; but do the voters of Minnesota exercise their brand of electoral frightfulness because they are farmers? Or because they are western? Or, mayhap, because they are Scandinavians and, according to Professor Ross, have "never bowed the neck under the yoke of feudalism"? Apparently, polling irregularity is not peculiarly rural, for Hennepin County, which contains the cities of St. Paul and Minneapolis, had a higher percentage of ticket-splitting than the rest of the state. The same may be said of many urban areas in other states.[1] On the other hand, Hamilton County, Ohio, containing the city of Cincinnati, was below the average for the state, while the rural voters of notorious Adams County did double their bit. New York County was an electoral slacker; while Nantucket County, Massachusetts, had a percentage on president and governor

[1] URBAN AND RURAL TICKET-SPLITTING IN PERCENTAGES, 1916

State	*Urban Area*	*Urban per cent*	*Per cent whole state*
Illinois (*a*)	Cook Co.	1.9	0.5
Rhode Island (*c*).	Providence.	34.6	32.0
Michigan (*a*)	Wayne Co.	6.9	3.6
Minnesota (*a*)	Hennepin Co.	22.0	21.2
California (*b*)	San Francisco	30.1	16.1
Maryland (*b*)	Baltimore	8.7	4.8
Missouri (*a*).	St. Louis	0.2	1.6
New York (*a*)	Kings Co	7.5	1.5
New York (*a*)	New York Co.	0.05	1.5
Pennsylvania (*b*)	Philadelphia	1.1	1.9
Utah (*a*)	Salt Lake Co.	2.7	4.0
Washington (*b*)	King Co.	16.8	11.8
Wisconsin (*b*)	Milwaukee Co	18.2	10.6
Ohio (*a*)	Cuyahoga Co.	4.9	1.5
Ohio (*a*)	Hamilton Co.	2.2	1.5
Ohio (*a*)	Lucas Co	7.3	1.5
Massachusetts (*a*)	Suffolk Co.	0.4	2.4
New York (*a*)	Kings Co	12.1	1.5

(*a*) President and governor.
(*b*) President and senator.
(*c*) The actual percentage of split tickets.

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forty times as great as metropolitan Suffolk County, which, by the way, had a lower ticket-splitting percentage than any other county in the state. Nevertheless, the figures create the impression that the urban elector is in general more inclined to scratch his ticket than the rural.

Although political parties are merely electors acting in an organized way, they have been in the past, and still are to a somewhat less extent, extraneous to the average voter because he takes no part in their management. It is therefore proper to speak of the two chief factors in ticket-splitting as the character of political parties and the attitude of the voter toward them. The rallying cries of parties are no longer theories of government or historical traditions harking back to the Civil War, to Jackson and to Jefferson. The voter of the present generation looks upon parties as simple instruments of government, to be used or discarded as he sees fit. Party names in the west are less associated with tradition than in the east, because most of the western states have entered the Union since 1865; and in settling them the pioneer severed physical and intellectual connections with his grandfather and his grandfather's prejudices. In the south and north-east the parties still coincide more or less with social and racial divisions, and the ticket-splitter has to surmount a set of prejudices which are not felt by the homogeneous western electorate. Largely free from the paralysis of tradition and caste, the west has been a unit in owning certain insistent economic needs and has therefore repeatedly "swung" to the party which has for the time accepted its radical demands. The westerner has crossed party lines so frequently in the last thirty years that he has well-nigh obliterated them. Moreover, his frontier individualism responds to homely and dominating personalities and reacts feebly to abstract group loyalties. Economically, he is more independent and self-respecting than the eastern voter. In general, he is more virile, less servile, more confident of his own ability to judge, more contemptuous of "slates."

What is true of the west is true in large part of the cities. They too represent a selection of the self-confident and enterprising. The city-dweller is politically more acute and sophis-

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ticated than the farmer, more accustomed to the making of choices, to personal contacts, and to the appraisal of personalities. The city has probably in general more of the corrupt and ignorant ticket-splitters. But their number is decreasing, due to the curbing or elimination of the saloon with its anti-social non-partisanship and the enforcing of stricter election laws.

The direct primary, with its tendency to break up the party into personal factions and to tempt the members of each party to cross party lines and participate in the nominations of the other, undoubtedly contributes to the state of mind which produces ticket-splitting. Ballot-forms assist independence—both good and bad—but they do not create it. The vast majority of voters in a state like North Dakota are not servants but masters of their ballots.

If the process of polling were less mechanical and swift, if—and the idea is not entirely fanciful—if the polling booth could be provided with a table, a chair and a non-partisan cigar, if the real American sovereign could have some of the leisure-provoking comforts which are over-supplied in our legislative lobbies, he could make of his balloting a deliberative function and not a sort of furtive trick executed with a leashed pencil in a pine stall, the kind of craftsmanship which is humiliating to any self-respecting carpenter.

But the ticket-splitter's independence should be looked upon as primarily a matter of honesty or dishonesty, of ignorance or intelligence, and not as a matter of mechanisms and subtle suggestion. Ticket-splitting is a by-product of education, formal and informal, and like all other aspects of political efficiency, it leads finally to a criticism of our electoral campaigns and propaganda, of civic organizations and especially municipal and other voters' leagues, of the press and of the schools and universities.

4. Other Indications of Irregularity

The west not only leads in variability and ticket-splitting, but also in bolting, third party, and organized non-partisan movements. These movements are characterized by independence of great intensity, measurable, however, not only by the total vote

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cast by these groups but also by the rapidity of their rise and fall. Thus, the Populists and Progressives were genuine irregulars, since only a small number of them ever felt the ties of a Populist or a Progressive partisanship. On the other hand, the Prohibitionists and Socialists are not true irregulars; since they are not variable, they exhibit a kind of irreconcilability, they are opposed, tacitly or expressly, to ticket-splitting, and the Socialists are largely a class party.

In England unopposed candidacies are more numerous than in this country and do not there indicate any lack of partisanship. In this country more unopposed candidacies will probably be found in the south than in any other section. Thus, in Virginia in 1916 the Democratic candidates for senator and for all state offices were unopposed. This does not indicate so much the absence of partisanship as the attachment of an overwhelming majority of the voters to the Democratic party. The real contests in the south are in the primaries, and the real allegiances are racial and personal. In the north many candidates for judicial, educational, and, occasionally, other offices are unopposed. In Walla Walla county, Washington, which in 1916 was carried by the Democratic candidates for president and governor, there were five unopposed Republican candidates for re-election to important county offices. Probably no eastern state could show a ballot equaling in its evidences of independence the ballot for Malheur county, Oregon, which bore the names of three Republican-Progressive candidates, one Republican-Democratic candidate, and three Republican-Democratic-Progressive candidates, one unopposed, and an unopposed Republican candidate.

A thorough comparative study of party voting in American state legislatures has not been made, although the correct methods have been indicated by Lowell.[1] Not only the formal voting on bills but the general working of the caucus system and the organization of the houses should provide an abundance of material for the study of legislative partisanship.[2]

[1] Lowell, The Influence of Party upon Legislation in England and America, American Historical Association Report, 1901, vol. i.

[2] The Washington legislature in 1917 had a non-partisan organization.

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Especially interesting and valuable would be a study of newspapers in their relation to partisanship. In 1896 there was a declaration of independence on the part of many newspapers, and since 1900 a highly influential weekly and monthly press has developed and guided independent opinion. An investigation of eight states shows that independent journalism has apparently been on the increase in some and on the decline in others. Strangely enough, in the states of California and Wisconsin independent newspapers have decreased in number, while in Connecticut, Michigan and Indiana they have markedly increased.[1] Although no marked change has taken place in the nominal attitude of newspapers toward parties, their actual political independence has unquestionably kept pace with their improvement in other respects.

5. *The Future*

The future of irregular voting is a matter largely of conjecture. Although America will come out of the war economically more heterogeneous, spiritually it will be more homogeneous than ever before, and homogeneity is favorable to the continuance of the opportunistic, tolerant, see-saw party system of the pre-war era. If, however, the war ends with conspicuous success, the party responsible for its conduct is likely to make the most of its historical asset and we may expect a considerable crystallization of partisanship around the war-tradition. This tendency toward increasing partisanship will be strengthened if, as now seems probable, foreign affairs become rela-

[1] PERCENTAGES OF NOMINAL INDEPENDENCE OF NEWSPAPERS (*a*)

State	*Date*	*Dailies*	*Weeklies*	*Date*	*Dailies*	*Weeklies*
Indiana	1892	14.7	29.6	1911	24.3	32.6
California	1892	32.8	46.1	1911	31.2	41.0
Connecticut (*b*) . .	1892	33.3	52.8	1916	56.3	76.4
Michigan (*c*) . . .	1890	50.0	39.4	1910	62.3	46.5
Ohio	1892	24.3	36.2	1910	18.2	40.0
Texas.	1892	20.9	17.2	1910	15.9	16.0
Missouri	1892	12.0	15.9	1910	18.2	22.9
Wisconsin	1892	31.8	32.9	1910	27.4	28.7

(*a*) Dauchy's Newspaper Directory has been used.

(*b*) Connecticut Manual, 1916.

(*c*) Michigan Manual, 1891, 1911.

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tively more important, and if, as now seems possible, the country is forced to keep itself on a military basis. A large percentage of the electorate, including the youngest, most impressionable and most virile voters, are serving or will serve in the army. This alone is a fact of tremendous political significance. If they follow the example set by the Grand Army of the Republic, they will form a class with certain special viewpoints and interests; and this condition will not tend to clarify issues or to stimulate a quick response by parties to the demands of the economic radicals. It may be imagined that military training will produce certain psychological effects: perhaps a gain in directness and simplicity, and a loss in perspective, originality, initiative and radicalism. But a soldier's experience in the present war is unlike that in any previous war. The effects of life in an American cantonment will probably not be dissimilar in many respects from those of a year in a great university; and, even after a period of active service, the soldier will doubtless return to civil life a sobered and energized, rather than a stereotyped and servile voter.

The war, combined with tendencies which were at work before the war, will make increasingly prominent social and economic classes and issues. Demands for radical economic and social legislation will become more insistent. From these influences we may expect, so long as parties remain opportunistic, an increase of that irregularity which is associated with radicalism and which has flourished in the west.

If the old parties, fixed in a new mold of backward-looking tradition, fail to meet the new demands, the economic independents will pass to the Socialist party or form new party groups of their own. If we have a number of parties more or less identical with economic groupings, or if, after a transitional period characterized by such parties, we have a conservative Democratic-Republican party opposed to a radical, class-conscious Socialist party, our party struggle will take on a fresh lease of bitterness and discipline, with insubordination and desertion reduced to a minimum.

A. C. MILLSPAUGH.

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OFFICIAL CHARACTERISTICS OF PRESIDENT CLEVELAND

" . . . an individual *sense of responsibility* on the part of each of us and a *stern determination* to perform our *duty* well. . . . "[1]

ALL too little that Mr. Cleveland wrote, aside from his public documents, speeches and messages, is now available, although increasing numbers of students of politics and history are re-estimating the significance of the man and his work. Nevertheless his public utterances, especially his state papers, are so numerous that President Cleveland, the public official, can be known, whether the riddles represented in Grover Cleveland, the private individual, are ever understood or not. No man can write messages, vetoes and public letters for eight years without telling something about himself. In President Cleveland's case, no Scotland Yard detective is needed to discern the thumb-prints of a laborious worker and to piece together the outlines of an interesting character.

Mr. Cleveland did not italicize the significant words in that part of his first message placed at the head of this page, except as his constant use of them emphasized the keen sense of responsibility which possessed him. If any single attribute was his distinguishing mark, it was a sense of responsibility. And it was no common load, easily borne and felt only on especial occasions. It was a personal sense, keen, burdensome, not to be laid down even for a moment. It was a weight which he could not delegate, even temporarily, to others, because it had been placed upon him by vote of the people. It was a burden which made him lonely and weighted his messages with a heavy weariness.

" Lonely the heart that listens to no voice
Save that of Duty."

It is, of course, to be expected that the president of a nation

[1] Richardson, Messages and Papers of the Presidents (Ed. 1903), vol. viii, p. 365. Referred to hereafter as " Richardson."

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will feel his responsibilities, but none whose papers I have ever read impress me quite so insistently. In the first inaugural there is "responsibility" and "anxiety" and "conscience." Shortly afterward there are "solemn pledges" and "plighted faith"; in the first annual message, "solemn obligations"; in the very last minutes of his first term, "plain course of official duty."

The second administration is like the first. The inaugural is full of "gravity of the duties" and "responsibilities"; the messages to Congress tell of "exacting obligations and inexorable responsibility"; the close of the administration is burdened with "official" and "constitutional" duty. One of his eminent successors in the presidential chair once said of Mr. Cleveland that he had "a sense of public duty that has been exceeded by no statesman within my knowledge."

One burdened with such a keen sense of responsibility either must have the power to throw off mountains of work at high speed or must be a patient plodder. Mr. Roosevelt belongs to the former class; Lincoln and Cleveland belonged to the latter. George F. Parker, in his *Recollections of Grover Cleveland*, tells of working at the White House on the Democratic textbook in the campaign of 1888. However late Mr. Parker worked, the plodding President was working still later—generally until three in the morning, the night-watchman said. The pension vetoes are amazing examples of patient attention to detail. The President did not, of course, search out the facts relating to the cases dealt with in these scores of vetoes, but all bear the hallmarks of the President's style. Nobody but a nerveless man *could* work in this fashion and survive, and nobody but a plodder would. President McKinley relieved himself of many duties by turning over smaller tasks to subordinates; but Cleveland had only the

> "patient hand that plodded
> While others slept!"

Not until the very end of his career could Cleveland even "ease his labors by means of dictation."

President Lincoln, whom one instantly thinks of as resemb-

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ling Cleveland in his keen sense of responsibility, relieved his burdens with humor. President McKinley's messages breathe a contentment that was serene even though the times demanded something more virile. He finds "felicitous conditions," "sincere congratulation," "beneficent Providence," "peace and good will." He declares that the "public questions which now most engross us are lifted far above either partisanship, prejudice, or former sectional differences." (Richardson, vol. x, page 26). Mr. Cleveland could not have written a sentence like that.

Yet Mr. McKinley's serene misstatement had a soothing effect. Most people like to be told that they are looking well even when they know they are ill and look it. But Mr. Cleveland could not forget his responsibility or wave aside the abuses which he knew must be faced. With sledge-hammer blows he demanded that serious problems be dealt with before growing irritations and discontent caused revolution; McKinley sweetly left all to the wise and judicious action of the legislative branch —incidentally accomplishing what he desired.

It is not to be expected that a president will give evidence of any abounding sense of humor in his state papers, even though, Lincoln-like, he may by that means relieve the tension in a cabinet meeting. If, however, a president does allow a sense of humor to appear, the sort of fun which he enjoys is one of the guide-posts to an understanding of him. Mr. Roosevelt's combative, dental grin and Mr. Taft's infectious chuckle at himself as well as at his adversaries, are cases in point. Now and then Mr. Cleveland relieved his feelings by a touch of a sort of fun, but with one exception, so far as I can discover, his official humor was always sarcasm and irony. Once, in vetoing a pension bill for the widow of a soldier, he noted that the veteran in question died of "gastro-enteritis" and then, appalled at the size of the word, he added, "which, being interpreted, seems to denote 'inflammation of the stomach and small intestines.'" That is not bad for so burdened a soul, but the spark of humor is, characteristically, in a veto.

An official with such an active sense of responsibility could hardly fail to burden himself with the abuses of our form of

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government, nor would he fail in season and out to urge upon Congress the correction of these abuses. Only four years before Mr. McKinley found that the most engrossing public questions were lifted far above partisanship, and that conditions were "felicitous," Mr. Cleveland was soberly calling the attention of the other end of Pennsylvania Avenue to needed action: "I deem it fitting on this occasion, . . . to also briefly refer to the existence of certain conditions . . . which seem to menace the integrity and usefulness of [our] Government."[1] Tariff and finance, Hawaii and Venezuela, pensions, the erection of public buildings—all presented for his shillalah heads which were not lifted above prejudice and partisanship.

Frugality was one of the homely private virtues which Mr. Cleveland carried into public life. "Frugality and economy," he reminds Congress, are not virtues "which we may safely outgrow." "Frugality among the people is the best guaranty of a contented and strong support of free institutions"; hence the pension vetoes, condemning with sarcastic conscientiousness the raids of undeserving pirates upon the bounty of a generous government; hence the vetoes of appropriations to construct useless government buildings in every rural "Four Corners." The workings of his mind are so clear that they can be reduced to a mathematical formula:

Sense of responsibility + laborious attention to details + frugality = pension vetoes.

Hence, too, the best of all Mr. Cleveland's sarcasms: "Though the people support the government the government should not support the people."

No study of the public characteristics of Mr. Cleveland can fail to meet the question, "Was he obstinate, self-sufficient, callous to public opinion, impervious to argument?" Fortunately the question is not a difficult one, given the point of view from which the question is asked. From the point of view of the politician interested in the present and the immediate future, with eye focused on the results of an oncoming election, President Cleveland must have been an utterly exasperating candidate. Particularly was this true in the campaign of 1888.

[1] Richardson, ed. 1895, vol. ix, p. 389.

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The tariff became the chief issue of that memorable battle because of the President's noted message at the opening of Congress on December 6, 1887. As is well known, this document was devoted entirely to advocacy of a lower tariff. "To some of the president's own party such unexpected action seemed like political suicide."[1] Moreover it was not merely unexpected. The Democratic party was far from being a unit in behalf of tariff reform. Its record in Congress for many years previous, the utterances and activities of some of its leaders, had been squarely in the opposite direction; a conservative people, in a conservative period of its history, was not likely to receive with joy a message which, departing from all precedents, concerned itself with a single topic. It is not surprising that outspoken dissatisfaction in the Democratic party had to be stifled. Newspapers and politicians of all shades of belief found in the message ample materials for misunderstanding and dissent, although the Democrats found it necessary to preserve some appearance of unity and to renominate the President.

But while the campaign was on, the President had another blow for his political supporters. During his term he had aroused bitter hostility by his veto of numerous private pension bills. Now the veto of such measures is sure to be misunderstood, the saving effected is trifling, and out of all proportion to the hostility aroused among the veterans of the war. But in President Cleveland's mind the principle involved bulked big, bigger than any chances of re-election. It must have dismayed his political associates to meet, at the start of the campaign, the veto of July 5, 1888: "In the discharge of what has seemed to me my duty as related to legislation, and in the interest of all the veterans of the Union Army, I have attempted to stem the tide of improvident pension enactments." But that was not enough! From July to October of this campaign Mr. Cleveland vetoed no fewer than sixty-seven such measures. To the usual politician, the President must have seemed sadly lacking in even the elements of political prudence.

His defeat in the ensuing election has been explained in

[1] Dewey, National Problems, p. 66.

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many ways, and doubtless many slight changes or bits of good fortune would have altered the result. But when it is remembered that Mr. Cleveland received 100,000 more votes than his competitor, it becomes clear that his obstinate adherence to principles did not alienate his following, but rather enlarged it, and also that fundamentally he was defeated by an electoral system which allows the votes of a plurality of the people to be nullified by the more or less accidental location of the strength of the winner.

Naturally the experience merely confirmed the President in his political obstinacy. During his term of retirement, from 1889 to 1893, he did not cultivate relations with the politicians at all.[1] It was during this time that Mr. Richard Watson Gilder introduced an editor friend to Mr. Cleveland. After a conference between the editor and Mr. Cleveland, Mr. Gilder asked what impression the former president made: "Splendid," the editor retorted; "he is the greatest man I ever met—and *he wouldn't promise to do a thing I wanted!*"[2]

To this period, also, belongs the Reform Club letter of February 1891, in which Mr. Cleveland denounced "the dangerous and reckless experiment of free, unlimited, and independent silver coinage,"[3] at a time when a big, perhaps a controlling fraction of his party was wedded to this very experiment. In discussing this incident Mr. Parker notes that "in the decision of [a question of principle] politicians had only the smallest influence with him."[4] Gilder's reaction at the time was: "Cleveland always is more cheerful, always at his best, when he is making a fight for principle."[5]

The obstinacy of Cleveland from the point of view of the politicians is only lessened by the fact that he received a plurality of popular votes in three successive elections, for ordinarily such a man has to get his satisfaction from "the verdict of history."

Yet however pachydermatous a man may be, there are times when hostility cuts him. Since Cleveland's writings, so far as

[1] Gilder, Record of Friendship, pp. 24–8.
[2] *Ibid.*, p. 30; italics are mine.
[3] *Ibid.*, p. 32.
[4] Recollections, p. 151.
[5] *Op. cit.*, p. 34. See also the incident related on p. 99.

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they have been made public, are for the most part official, it is only seldom that we get a glimpse of the inner feelings of the man when under fire. Happily a letter to Gilder gives us a sufficient hint: "[I] assure you how much . . . I am encouraged, or at least saved from utter discouragement, by any approval I am able to win from you and men like you. . . . I know the clouds will roll away, but *I do not know who, before that time, will be drowned in their floods.*" [1]

President Cleveland's sense of justice was so strong and so near the surface that it almost deserves to stand beside his sense of responsibility. It is, indeed, cut out of the same piece of cloth. A keen realization of his responsibility and a rigid adherence to justice are the two qualities which most impress one in reading all Mr. Cleveland's official papers.

His message on the Venezuela boundary controversy, and still more his chapter on the subject in his *Presidential Problems*, written after his presidency, both resound with the feeling that a wrong has been done. He hastens to acknowledge a horror of a conflict between Great Britain and the United States but instantly adds, "there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice." [2] He prevented the annexation of Hawaii in 1893 on the ground that an officer of the United States had furthered the success of the revolution which had resulted in the offer of union. In a special message to Congress, December 18, 1893, he exposed the complicity of the American minister in the overturn of the Hawaiian government, and expressed his emotions on the subject in some stinging sentences. Witness the following: "The control of both sides of a bargain acquired in such a manner is called by a familiar and unpleasant name when found in private transactions." [3]

On the whole, his justice was stern—of the legal kind. It was on justice as a principle, too, that he placed his emphasis. Indeed I get the feeling from his papers that he insisted on justice more because justice is a great principle than through

[1] Gilder, *op cit.*, pp. 123–4, Oct. 12, 1894; italics are mine.

[2] Richardson, vol. ix, p. 658.

[3] Richardson, vol. ix, p. 468.

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sympathy for those to whom justice had been denied. There is a certain lack of warmth in his sense of justice. Nor did the labor or danger involved in the attempt to undo a wrong seem seriously to deter him. He would undo the injustice of Great Britain to Venezuela in the face of possible war. He would undo the Hawaiian revolution and put the queen back on the throne, although the attempt partook of the nature of unscrambling eggs and was sure to bring upon him the hostility of the annexationists in the islands and in the United States.

One of the most unfortunate elements in Mr. Cleveland's constitution was a tendency to scold Congress, sometimes directly, sometimes in less open but more irritating ways. Two sentences at the beginning of his message on the Hawaiian revolution must have seemed to Congress almost like a sneer: "*I suppose* that right and justice should determine the path to be followed in treating this subject. *If national honesty is to be disregarded.* . . . I have entirely misapprehended the mission and character of our Government."[1] The message of December 3, 1888, contains a lecture on the extent to which congressional care for private and partisan interests had caused the postponement of needed general legislation.[2] While it may be said that Congress richly deserved the scolding and that the President's rugged and honest courage is thoroughly admirable, it may also be questioned whether such tactics get legislation from a bulky, high-strung and sensitive Congress.

Mr. Cleveland's remarks on civil service reform in the message of December 4, 1893,[3] constitute a concise, truthful and lucid statement of fact—and would offend about as many friends and opponents of the reform as could well be offended in so short a space! In the message on the Duskin case[4] he all but dares Congress to impeach him.

The message requesting legislative assistance in meeting the distressing financial situation of 1895[5] is a complete documentary study of the psychology of Cleveland. In interesting

[1] Richardson, vol. ix, p. 461; italics are mine.

[2] *Ibid.*, vol. viii, pp. 777–8.

[3] *Ibia.*, vol. ix, p. 457.

[4] *Ibid.*, vol. viii, p. 379.

[5] *Ibid.*, vol. ix, pp. 561–5.

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alternation, what he would like to say to Congress peers through what he knows he ought to say. Restrained statement of indubitable fact gives way to his blunt, bursting irritation at a blameworthy Congress which could remedy the difficulty if it would. One concluding sentence combines the olive branch and the threat: "*I can not, however, refrain from adding to an assurance of my anxiety to cooperate* with the present Congress . . . *an expression of my determination* to leave nothing undone which furnishes a hope for improving the situation." [1]

Richard Watson Gilder tells a story which is eloquent of a certain coldness in Mr. Cleveland's official relations. A delegation of men, including an ex-governor who was a political friend of Cleveland, came to urge the appointment of a certain man to a postmastership. The President himself tells the rest of the story: "When the delegation had finished speaking, *I looked out of the window* a while, then said: 'Gentlemen: Blank Blank will never in any circumstances be appointed postmaster of Blank.' *Then I looked out of the window again.*" [2] It was certainly admirable to refuse to place in office one whom the President looked upon as a venal boss, but a little more tact and a little less attention to the window would have had a far pleasanter effect on the delegation.

The pension vetoes are a field for the student of psychology. On the whole, as far as can be discovered without a laborious investigation of every case, the pension policy of the President was sound. Apparently there were abuses which might well try the soul of a conscientious, frugal administrator. Yet the form of the vetoes violates sound canons of political controversy. Anybody who has ever indulged in or even watched a public contest knows that a wise controversialist will give his opponent as few openings as possible. Especially will he avoid giving way to temper or sneers. The opponent is sure to pounce upon any such weakness, send back a Roland for the Oliver, and so continue the contest. Meanwhile the real point at issue is lost and personal bitterness develops. All this is well exemplified in President Cleveland's pension vetoes. One incident will be enough.

[1] Richardson vol. ix, p. 565; italics are mine. [2] Gilder, p. 209; italics are mine.

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In 1886 an act was passed which granted a pension to a certain William Bishop. Examination of the case revealed the fact that Bishop had been connected with the army only one month and seventeen days, of which time thirty-five days were spent in the hospital on account of an attack of measles. The President paid his respects to Mr. Bishop as follows: "This is the military record of this soldier, who remained in the Army *one month and seventeen days*, having entered it as a substitute *at a time when high bounties were paid.* Fifteen years after this *brilliant service* and this *terrific encounter with the measles*, ... the claimant discovered that his attack of measles had *some relation to his army enrollment* and that this disease had '*settled in his eyes, also affecting his spinal column.*'" [1]

Naturally the opponents of the President devoted their attention to condemning the sarcasm in the message, not to disproving the soundness of its main contention. To the sensitive veteran—and from the beginning the veteran was a bit suspicious of Mr. Cleveland—the President seemed to be sneering at a Union soldier, whereas he was venting his righteous indignation upon one who sought to feed at the public crib. Where fearlessness and a sense of duty should have appeared, only an unfeeling sarcasm was seen.

The literary style of President Cleveland was an index of the man. Heavy, almost awkward, serious, legal—his messages seemed as little fitted to attract favorable public attention as the man himself. One who says "the right . . . to exact tribute from the earnings of labor or the property of the citizen" instead of "the right . . . to tax," and "innocuous desuetude" instead of "harmless disuse" may expect little hearing after the novelty has worn off.

But the words, like the author of them, commanded attention. Some phrases had a flavor of poetry about them. Speaking of the navy as "a shabby ornament to the Government," he continues that reform is necessary "if we desire to build ships for present usefulness instead of naval reminders of the days that are past." [2] Other messages contain memorable

[1] Richardson, vol. viii, p. 443; italics are mine.

[2] *Ibid.*, vol. viii, p. 351.

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figures of speech: "The . . . Treasury, . . . should only exist as a conduit conveying the people's tribute to its legitimate objects of expenditure." "A large surplus in the Treasury . . . attracts the gaze of States and individuals with a kind of fascination."[1] And again, in speaking of the endless redemption of paper currency in gold, "It [the government] was forced to redeem without redemption and to pay without acquittance." And last of all, did not Mr. Cleveland have a good time writing the following sentence? The practice of distributing public offices for party services inspires "an immense army of claimants for office" who lay siege "engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent."[2]

In brief, then, the strength of Cleveland lay in the strong elementary personal qualities which he possessed in his sense of responsibility, his attention to the demands of his position, his vision of needed reforms, his lofty political obstinacy, his courageous honesty, his ability to say things which would command attention. His greatest lacks were a certain unwisdom in his attitude towards Congress, an inability to co-operate with others, and a tendency to arouse needless animosities in places where, had he refrained from showing his feelings, he might have accomplished the greater ends that he had in view.

If the entire task of governing the United States in his two administrations could have been left to Cleveland alone—if there had been no Congress, nobody to manage—if Cleveland could have shouldered all the burdens alone, or if, assuming a Congress to be necessary, the only things essential to bringing about a reform were to name and define the abuse and set forth the remedy—under such circumstances the country could not have desired a more faithful and wise executive, within the limits of the political philosophy which the President held. What that philosophy was is another story.

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[1] Richardson, vol. viii, p. 840.

[2] Richardson, vol. viii, 363.

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REVIEWS

Nietzsche the Thinker: a Study. By WILLIAM MACKINTIRE SALTER. New York, Henry Holt and Company, 1917.—x, 539 pp.

This is the finest example of philosophical scholarship and scientific conscience that we have had in America for many, many years. Here is patience without pedantry, and thoroughness with an almost Gallic clarity; here are all the virtues of German research, with none of its deadly and pretentious obscurity. When such a piece of work is done on our side of the Atlantic we may look Europe in the face.

Mr. Salter proposes to bring together, in a more connected fashion than the philosopher's own health and temperament permitted him to do, the main items of Nietzsche's thought—with some intentional omissions. He excludes from his purpose any articulated presentation of Nietzsche's views on Christianity and religion in general, on woman, on education and on literature, and the later views on art and music. These omissions are the more to be regretted as without them the volume might have claimed absolute thoroughness; as it stands, it is to be credited with thoroughness only relative to the express purpose of the author. The Nietzschean critique of Christianity would seem all the more in place, as Mr. Salter very rightly designates the great iconoclast as a "religious philosopher," a man of devoutness and devotion, who destroyed with holy ire, and sought to kindle hearts with a larger than ordinary faith. One might complain, too, of slightness in the presentation of Nietzsche's subtle psychological analyses; a section on Nietzsche as psychologist would have been difficult to compile, and its material would have been disengaged only with great pains from the sections on morality; but the accomplishment of this task, together with the inclusion of the material intentionally omitted, would have put this book at the head of its class not only in America but perhaps in Europe as well. Mr. Salter would be giving increased value to his present volume, and would be adding distinction to American scholarship, if he would prepare a second volume covering all these omitted phases of Nietzsche's work.

Regret as we may the limitations which Mr. Salter has put upon his purpose, no fault can be found with its fulfilment. The material is well arranged, the analysis of Nietzsche's development is illuminating, and on the subjects selected for summary not one passage of value, so

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far as the present writer may judge, has been overlooked. And the appended notes, rich in the fruits of research, offer an invaluable guide to the Nietzsche literature—thus serving, as every book should do, to point the reader on to further study.

It is a book calculated to dispel some of the delusions which Americans—writers as well as readers—cherish about the philosophy of Nietzsche. There is, for example, a splendid antistrophe of quotations modifying considerably the notion that Nietzsche was an advocate of war as such; there is a wholesome admonition to captains of industry that they are more heartily anathema to this supposed upholder of their fitness and survival than are the Socialist agitators who, in Nietzsche's view, do no more than make the incompetent miserable by ridding them of their happy delusions. Nietzsche lauds aristocracy, but it is an aristocracy not of income but of soul; there are plebeian fools aplenty who roam idly about the world in boiled shirts and limousines. Nietzsche's aristocrats are not industrial magnates but philosopher-kings (unlike Plato's, as rather directing than performing the prosaic work of political administration); and their function is to provide the statesmanship that will avert the factions, disunion and defeat that come inevitably from the uncontrolled egoism of employers and employees. The emphasis throughout Nietzsche is not a defense of the rich against the poor, but of intelligence against entrenched stupidity; it is a yearning for the intelligent re-direction of a haphazard *laissez-faire* social process into a corporate harmony favorable to the development of personality and genius. Nietzsche hated democracy because he thought it hostile to superiority of intellect (except as devoted to the pursuit of vulgar aims), and because he saw, beneath this numerical swamping of developed individuals, the rise to power of economic groups given to riding their class-interest to self-ruin. What Nietzsche failed to see is that the industrial revolution in England, rather than the political revolution in France, was the death of the old aristocracy; and the most vulnerable of his basic suppositions is that democracy and aristocracy admit of no *tertium quid* conceivably possessed of the major virtues of both. Oligarchy of some kind is inevitable, whether all or only a few are enfranchised; and the problem of a democracy is to see to it that the oligarchy which it encloses shall be an aristocracy of talent and intelligence rather than a plutocracy of grasp and greed. It is not impossible that the scientific habit of mind, applied to invention as well as to research, and to political as well as to mechanical construction, will succeed in devising means for the democratic utilization of those

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developed individuals who now find themselves deafened by the noise of a venal journalism and lost in a welter of thoughtless votes. To organize the active intelligence of the community for social research, and to stimulate the potential intelligence of the community by organizing mechanisms for the dissemination of the results of research, is clearly one way of giving greater weight to knowledge and fact in the determination of public opinion and corporate policy, and clearly one way of introducing into democracy a salutary element of aristocracy—the preponderant influence of the intelligent minority in the direction of social life.

These and other considerations crowd the mind as Nietzsche's aphorisms fall into orderly logic in Mr. Salter's careful co-ordination and synopsis. Stimulating, too, is the emphasis laid on the religious aspects of Nietzsche's character; and the otherwise unintelligible fondness of the philosopher for the notion of eternal recurrence finds meaning in the keen sense which this presentation gives us of the religious needs which Nietzsche seems to have felt even in his most iconoclastic moods. Taken out of relation with these emotional needs, the doctrine of eternal recurrence appears to be the post-mortem performance of a logic-chopping Hegelianism, and makes one feel that a few more items of this character in Nietzsche's philosophy would have qualified him to become a respectable German professor. But what Nietzsche was seeking, it is evident, was some reason for believing in the eternal worth and meaning of human effort; and the idea of recurrence served him in some degree as a substitute for belief in a principle of justice lying inherent in the structure of reality. Mr. Salter says on page 12:

> If I may give in a sentence what seems to me the inmost psychology and driving force of his thinking, it was like this:—Being by nature and by force of early training reverent, finding, however, his religious faith undermined by science and critical reflection, his problem came to be how, consistently with science and the stern facts of life and the world, the old instincts of reverence might still have measurable satisfaction, and life again be lit up with a sense of transcendent things.

Those who have yet to make the acquaintance of Nietzsche will find him here expounded simply and impartially; and those who have found in the philosopher himself a brilliant incoherence that called for sober summary will take profit from the logical clarity of Mr. Salter's presentation. We cannot have too much of this kind of work.

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NEW YORK CITY.

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The Commonwealth at War. By A. F. POLLARD. New York, Longmans, Green and Company, 1917.—vii, 256 pp.

The war has tended to emphasize the inter-relations of journalism and history, two fields of literature which, in America at least, have been too sharply separated in the past. It has liberalized the discussion of current events, the province of journalism, by making it more historical, and it has vitalized the study of the past, the domain of history, by emphasizing its relation to the present. The proposition that what is now transpiring, if it is to be rightly appraised, must be studied in its historical setting, is so self-evident that it may safely be set down as an axiom. Professor Pollard, who is always illuminating and stimulating, now suggests, what will be by no means so generally accepted, that the study of the present, if not essential, is yet peculiarly valuable to the student of the past. In the preface to *The Commonwealth at War,* a volume made up of articles contributed by him to British and American periodicals during the first three years of the war, he says:

> It is in the hope of assisting the study of history that these essays are reproduced in a more permanent and accessible form than those in which they first appeared; and the value of contemporary history is by no means confined to the age with which it deals. It is the essence of the historian's faith that past and present help to explain one another; and the light of history in the making around us illumines the making of history in the past. That is largely because we feel the present more than we can ever feel the past, and insight into human affairs is as much a matter of sense as it is of science. . . . Historical students will understand the Napoleonic wars all the better for having felt a similar tension. . . .

Does he not touch here upon a serious defect in our methods of historical training? Do we not in fact over-value professional technique at the expense of "insight into human affairs"? And may we not, as teachers of history, draw useful inferences from the fact that so many of the world's memorable historians have been men of affairs and students of "current events"?

Of the British Empire Professor Pollard has much that is informing and helpful to say. It is not, he tells us, quite so paradoxical as Voltaire's Holy Roman Empire, since it is at least partly British, but it is an empire only in a sense that makes nonsense of the word, "for it is like no other Empire that ever existed." Small wonder that the German professors of political science, surveying with mingled contempt and envy that straggling, heterogeneous, amorphous

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aggregate, misunderstood the nature of it and predicted that the unwieldy colossus would crumble at the first shock of world war. From the German point of view the British Empire is all wrong and has no right to exist. For it does not aim, like the German, at unity, assimilation, standardization, the prevalence of a single type of Kultur. It is, and what to the German is even less comprehensible, it boasts of being a medley of governments, a Pantheon of faiths and a Babel of tongues. It does not accept Treitschke's dictum that "every state must have the right to merge into one the nationalities contained within itself." What keeps the Dominions within the British Commonwealth is not external coercion, nor even a sentimental sympathy with the "home land." They remain because they believe that their position in the imperial commonwealth is the best guarantee for the peaceful and untrammeled development of their national life.

So far as constitutional reform for the Empire is concerned, Professor Pollard is suspicious of the manufacture of political institutions and the framing of brand-new constitutions. Like Burke he places his trust rather in gradual growth and accumulating experience. No form of reconstruction that makes for uniformity, he feels sure, would be tolerable to the Dominions, and he is therefore opposed to any kind of imperial federation. "The imperial conference may develop into the imperial cabinet; but it will not become a federal council, and like its prototypes throughout the Empire it will remain unknown to the statute law of the British realms." In a paper that was evidently inspired by one of General Smuts' speeches delivered during his mission to England in the spring of 1917, he comments upon the international character of the British Commonwealth and its bearing upon the problem of a future league of nations.

Professor Pollard has studiously refrained from altering or modifying the sense of the articles which he reprints, though he must have been tempted in more than one place to "edit" what he had previously written. For example, the paper on "The Peace of the President" he would almost certainly not have written, in the form in which it stands, at any time subsequent to the declaration of war by the United States in April 1917. But he has no meretricious desire to acquire an unmerited reputation for foresight. All persons seeking a verdict of infallible prevision, politicians and publicists, as well as historians, would do well to ponder these words: "To modify the record of expressed opinion in the light of later events indicates a dishonest ambition for consistency or prescience, and is one of the most insidious forms of historical forgery."

R. L. SCHUYLER.

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Wilkes and the City. By SIR W. P. TRELOAR. London, John Murray, 1917.—xxvi, 299 pp.

Three men who on widely different grounds have large places in the parliamentary history of Great Britain — Wilkes, Cobden and Chamberlain—have also conspicuous places in the municipal annals of England. Nearly thirty years ago the late Sir Edward Watkin—long prominent in the railway world of England and the Dominion of Canada—wrote an appreciative and detailed record of Cobden's services to Manchester as an alderman of the city council. Chamberlain's municipal services have had adequate recognition in Bunce's *History of the Corporation of Birmingham.* A tribute like that paid by Watkin to Cobden has now been paid to the memory of Wilkes by Sir W. P. Treloar, who since 1892 has represented Farringdon Without—Wilkes's ward from 1769 to 1797—in the court of aldermen, and who, like Wilkes, has also filled the offices of sheriff and lord mayor. The preparation of this study of the part that Wilkes played in the politics of the city of London was obviously an undertaking congenial to his nineteenth and twentieth-century successor in the representation of Farringdon Without. Every page testifies to this fact, especially after Sir William has reached the point in the biography at which Wilkes became liveryman in the Joiners' Company, and was duly seated as a member of the court of aldermen. The result is a book that is eminently readable, and of value from three or four points of view. It offers another presentation of Wilkes, but with an estimate of his private character that differs little from that of other biographers and of the writers of general histories of the last half of the eighteenth century. It brings out with much more detail than the constitutional and general histories the part that the common hall of the City of London played in the three great and successful constitutional agitations with which the name of Wilkes will always be identified; and it also affords additional proof of the intensity and persistence of the opposition to Wilkes at Guildhall that was set on foot and maintained by George III. Finally, from Treloar's pages it is possible to realize the working of the municipal institutions of the City of London in the last half of the eighteenth century, and to form some idea of the corruption that had established itself—notably the sale of offices; and the system, from which Wilkes profited, of permitting the city chamberlain to hold large balances of the city's money at his bankers, and to transfer the interest accruing thereon to his private account. It is difficult to name a biography or

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a general history in which there are more ample descriptions of the municipal life of the City of London in the eighteenth century. It is these descriptions, in fact, that give *Wilkes and the City* its permanent value; for the municipal government of the City of London has never been reformed in the way that the municipal government of all other English cities was reformed in the first half of the nineteenth century. Corruption, such as that recalled by this work, was long ago weeded out. Otherwise the ward mote, common council, common hall, livery companies, Guildhall and Mansion-House, as institutions, are all much as they were in the years from 1769 to 1797, when Wilkes was continuously prominent in the municipal life of the city.

EDWARD PORRITT.

HARTFORD, CONNECTICUT.

Life and Letters of the Right Honorable Sir Charles Tupper, Bart., K.C.M.G. Edited by E. M. SAUNDERS. With an Introduction by SIR R. L. BORDEN. New York, Frederick A. Stokes Company, 1916.—Two volumes: xi, 319; iii, 298 pp.

It was fortunate for students of Canadian history and politics, and also for students of the era in British colonial history that extends from 1840 to 1914, that there was no long interval between the death of Sir Charles Tupper in October 1915, and the publication of his journals and letters. With the single exception of Sir John A. Macdonald, Tupper was the foremost statesman of the era of confederation, and he was active and prominent in the political life of the Dominion until as recently as February 1901, when he resigned the leadership of the Conservative opposition. Tupper's political career, extending from 1855 to 1901, was even more interesting, more eventful and more strenuous than that of either Macdonald or Sir George Etienne Cartier, his most conspicuous associates in bringing about confederation. He had a successful political career in Nova Scotia in the twenty years that preceded confederation. He long outlived both Macdonald and Cartier; and from 1867 to 1901 he was continuously prominent in political life at Ottawa, or in the service of the Dominion as high commissioner in London. In the history of the British oversea dominions, from the American Revolution to 1914, there was no statesman in any of the dominions whose range and variety of service—much of it beneficent—exceeded that which must be credited to Tupper.

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Tupper's career offered a singularly good opportunity for a biographer who could realize Tupper's failures and shortcomings as well as his services and his successes. It cannot be said that Dr. Saunders has risen to his opportunity, even though his two volumes will always rank among the most valuable of Canadian biographies. Without them it would not be possible to realize all the difficulties that confronted the fathers of confederation in 1864-66, or fully to comprehend the political and economic development of Canada from 1867 to the beginning of the war. But the biography will owe its importance much more to the fact that it contains the letters and journals of Tupper than to the framework which Dr. Saunders has constructed to carry the journals and the letters. Though the historical narrative, except at two or three points, is ample and readable, it is provincial. Continuous and undiscriminating eulogy is its characteristic; and the impression likely to be left on a reader unacquainted with Canadian history would be that Tupper was always a statesman as distinct from a politician and was invariably right, while his opponents were at best politicians and adroit opportunists and were invariably wrong.

One example of Dr. Saunders' treatment of his subject will suffice. From April 27 to July 9, 1896, Tupper was premier of the Dominion. At the time he formed his administration the Conservative party in the House of Commons was divided and demoralized, and the constituencies were obviously weary of eighteen years of Conservative rule, and anxious for a change of government. A general election took place on June 23. In the House of Commons, before its dissolution, the Conservatives had had a majority of thirty-one. At the election in June 1896, Laurier and the Liberals secured a majority of twenty-eight. It was known by midnight of June 23 that the government had been defeated; and on July 2 Aberdeen, the governor-general, withheld his sanction to appointments to the senate and to other offices that Tupper, as the head of a defeated administration, was intent on making. Aberdeen was as familiar with constitutional usage as Tupper, and he rightly refused to assent to the course on which Tupper had embarked. As the biography makes clear, Aberdeen thereby incurred the continuous and bitter hatred of the egotistical, rough-riding, overbearing and somewhat vindictive Tupper. Dr. Saunders champions Tupper's weak case against Aberdeen, and insists that the governor-general violated imperial practice and also Canadian precedent in refusing to allow appointments by a defeated administration. An appeal to the colonial office would have

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resulted in the complete discomfiture of Tupper; for the episode is recalled by Dr. A. B. Keith, who was long of the colonial office, in his recently published *Imperial Unity and the Dominions*, and Dr. Keith's conclusion is that Aberdeen was obviously correct in the stand he took against the claims of Tupper. "It was not right," Dr. Keith adds, "for a retiring administration—for its fate was inevitable—to deal with public affairs as if it had authority." (*Cf.* Keith, *Imperial Unity and the Dominions*, Oxford, Clarendon Press, 1916, page 115).

There are extracts from Tupper's journals and letters which obviously called for footnotes by the editor, if they were to be intelligently read even by present-day Canadians who are interested in the political history of their country since confederation. In writing of Tupper's part in creating the national policy of Canada it is curious that Dr. Saunders does not mention the fact that Tupper was the author of the policy of bounties for the iron and steel industries of the Dominion. In 1881-1882 an ill-fated iron and steel company, with a furnace at Londonderry, Nova Scotia, was in difficulties. Much English capital had been lost at Londonderry, and in 1882-1883 it was clear that if financial assistance were not forthcoming, the furnace—then the only coke furnace in the Dominion—must be abandoned. Tupper persuaded the Macdonald Government to go to the relief of the undertaking, and thereby there was established for the iron and steel industry a bounty system which between 1883 and 1911 cost the people of Canada seventeen million dollars.

Sir Richard Borden, premier of the Dominion, contributes an introduction to the biography. As the premier must have read the two volumes, and consequently must have become acquainted with some of the remarkable revelations they contain, it may be taken for granted that just as soon as parliamentary opportunity offers, legislation will be enacted at Ottawa to end two pernicious practices that are revealed in their frank pages. One of the revelations is that on August 24, 1885, when Tupper held the offices both of minister of railways and canals at Ottawa and of high commissioner in London, he accepted from the directors of the Canadian Pacific Railway a present of "one hundred thousand dollars of their common stock, then selling at 45." The other is that directorships in several companies were accepted by him while he held the office of high commissioner. There are other revelations in the letters and journals, particularly as to the way in which imperial honors were bestowed on contemporaries of Tupper, and as to the close relations of direc-

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tors of the Canadian Pacific Railway Company with the Conservative governments of 1878-1896.

As a biography, Dr. Saunders' book has obvious shortcomings. In places it is overburdened with details of itineraries. It is none the less a most informing book. It is difficult, in fact, to recall any volume of Canadian political biography that is more revealing. It is invaluable to students of the history of the old British North American Provinces, of the history and politics of the Dominion from 1867 to the Great War, and of the diplomatic and commercial relations of Canada and the United States from confederation to the failure in the Senate at Washington of the Bayard-Chamberlain-Tupper fisheries treaty of 1888.

EDWARD PORRITT.

HARTFORD, CONNECTICUT.

The Life of the Right Honorable Sir Charles W. Dilke. Begun by STEPHEN GWYNN, M.P. Completed and Edited by GERTRUDE M. TUCKWELL, Literary Executrix of Sir Charles Dilke. New York, The Macmillan Company, 1917.—Two volumes: xix, 557; vii, 614 pp.

The biography of Dilke was begun by Mr. Stephen Gwynn. The work was well advanced when at the outbreak of the war Mr. Gwynn volunteered for military service. It was then taken in hand and completed by Miss Gertrude Tuckwell, and the thanks of students of English politics from 1867 to the beginning of the war are due to Miss Tuckwell; for it would have been a misfortune had the English-speaking world had to wait long after the end of the war for the life of Dilke. Dilke left his papers, including a memoir written with much frankness, in admirable order for his biographers. No fewer than fifteen men and women associated themselves in one way or another with the authors in the preparation of the work; and the result is a biography that for interest and importance ranks high among the biographies of English statesmen whose careers matured or began in the long reign of Queen Victoria.

Dilke in the years from 1868 to 1885 advanced with remarkable rapidity into the front rank of English statesmen. In this respect, in the first half of the nineteenth century, Poulett Thomson, afterwards Lord Sydenham, and one of the three epoch-making governors-general of Canada, and Chamberlain and Morley in the second half of the century, are about the only men with whom Dilke can be compared. All four, it is interesting to note, were not by birth or family connections of the governing class.

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No man who was of the House of Commons in the nineteenth century excelled Dilke in his systematic and assiduous preparation for a political career. Dilke, who was at Trinity Hall, Cambridge, and who on leaving made a political tour of the English-speaking world, had in this respect an advantage over Chamberlain, with whom in the House of Commons he established a friendship much like that which existed between Pitt and Canning. Chamberlain went to neither Oxford nor Cambridge. He was a graduate of no university. He left school at the age of sixteen; and was a manufacturer until he reached forty, when he was elected for Birmingham. In having foreign travel as a preparation for a career at Westminster, Dilke enjoyed an advantage also over Morley.

He was only twenty-five when in 1868, eight years before Chamberlain entered the House, he was elected as an advanced Liberal for Chelsea. He achieved so much prominence, and developed so much parliamentary ability while an unofficial member—from 1868 to 1880—that in 1879 Beaconsfield regarded it as certain that Dilke would succeed Gladstone as leader of the Liberal party, and by 1882 Gladstone had arrived at the same conclusion.

From 1880 to 1885 Dilke was of the Gladstone administration: first as under-secretary for foreign affairs, without a seat in the cabinet; and from December 1882 to June 1885, as president of the Local Government Board. Then came a break of seven years in his parliamentary career, due to his citation in the divorce court; and for the second part of his career at Westminster, he was again, as from 1868 to 1880, in the position of an unofficial member. From 1892 to his death in 1910 he was member for a mining constituency—practically a labor member, although not officially grouped with the Labor party that was organized after the general election of 1906. He was made privy councillor in 1882. As such, by usage, his place was on the front opposition bench when the Liberal party was out of power. But it was Dilke's fate in the years from 1892 to 1910 to sit on the bench below the gangway, whether the Liberals were in or out of power; for when the Liberal administrations of 1892 and 1906 were formed, there were no overtures to him from his old colleagues of the Liberal administration of 1880-1885 to join them in the government.

The political career of Sir Charles Dilke thus fell into two divisions, with his six years' absence from the House of Commons—1886-1892—as the dividing line. The history of each division, as told in the biography, has its particular interest. The first is of value by

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reason of the insight it affords into the position of the Liberal party in the parliament of 1868-74—the first parliament after the reform act of 1867. In those years the men who may be described as the new Liberals chafed at the timidity of the Whigs, and also at the control which the Whigs still exercised over official Liberalism. Dilke's close and intimate friendship with Chamberlain, and the agreement to act together in their relations with Gladstone in 1880, falls within this first division; and the history of this division is also of peculiar interest because of the revelations it affords of the relations between Queen Victoria and the cabinet of 1880-85, and because of the new light it throws on Gladstone, Granville, Hartington, Harcourt and Chamberlain.

In particular there is so much new information regarding Chamberlain in the years from 1878 to the division in the Liberal party over Gladstone's home-rule bill of 1886, that the Dilke memoir and correspondence arouse a feeling of impatience for the publication of a biography of Chamberlain as authoritative, as comprehensive, and as well done as this one of Dilke. The first half of the Dilke biography has, in fact, a tendency to stimulate a demand for more. It arouses impatience not only for the authoritative biography of Chamberlain, but also particularly for the Chamberlain correspondence of the years from 1880 to 1886; and the insight which the memoir that Dilke himself prepared gives into the continuous interference of the Queen in politics from 1880 to 1885, arouses similar impatience for another instalment of Queen Victoria's Letters—an instalment that will carry the student of the development of cabinet government in England far beyond 1861, the year at which the Letters of the Queen published in 1907 came to an end.

The first part of the history of Dilke's thirty-six years in parliament will make the strongest appeal to students of constitutional and party history. The second division—the years from 1892 to 1910—must appeal most strongly to students of industrial and social legislation. These were the years of Dilke's most obvious successes as regards legislation—the years in which he was working with all his characteristic thoroughness, industry, parliamentary tact and organizing ability for a system of non-contributory old-age pensions; for drastic control of dangerous trades; and for minimum-wage boards to end or at least mitigate the crying evils of England's sweated industries.

Success attended all these three movements — success that was due largely to Dilke's work in and out of parliament; and were it

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possible to conceive of his parliamentary career as beginning only in 1892 it would have to be written into the record as a career of much beneficent achievement.

EDWARD PORRITT.

HARTFORD, CONNECTICUT.

Chatham's Colonial Policy: a Study in the Fiscal and Economic Implications of the Colonial Policy of the Elder Pitt. By KATE HOTBLACK. London, George Routledge and Sons, Ltd.; New York, E. P. Dutton and Company, 1917.—xv, 219 pp.

We have become so accustomed to taking William Pitt's statecraft in *table d'hôte* fashion that it is a pleasant relief to partake of it *à la carte*. The principle of selection which has guided our hostess is her interest in Pitt's policy of colonial expansion and colonial government. The result is a succession of dishes reminiscent at points of other meals, but appetizing, well-balanced and palatable.

The guiding spirit of Pitt's politics, according to Miss Hotblack, was his quest for empire, but an empire that was to be one of commerce rather than of territory. It was this spirit that made him aggressive in conquering new colonies and moderate in his policy toward long-established ones. An interesting picture is given of Pitt's connection with the citizens of London. London was the great commercial and financial center of the times and its much admired streets contained not only the counting houses of the merchants but their homes as well. The citizens of the metropolis "were the audience for whom his early opposition speeches were planned; their firm financial support made the policy of his first ministry a reality; and all through his life they contributed to the stock of his unrivalled knowledge of commercial and colonial affairs." Too restive to adapt himself to party exigencies, Pitt succeeded in building up an independent following, the nucleus of which consisted of men like the merchant William Beckford, who were too rich to be bought, and which had many adherents among the unrepresented men of commerce. But this phalanx was the result, not the inspiration, of Pitt's views.

The major portion of the book is devoted to Pitt's policy of expansion in his first ministry. The object of the expeditions which he sent against Senegal and Goree was the acquisition of the gum trade and the slave traffic. Canada he would conquer for her fisheries and fur trade. He desired the French West Indies because of their superior fertility as compared with the British sugar islands. In the

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case of India, Pitt was frankly fighting the battles of the East India Company, and he even waved aside Clive's suggestion that the Government should appropriate the revenues of the Indian conquests. Of course much of what Pitt had actually accomplished was lost by Bute's peace of 1763. In stressing the economic aspects of Pitt's policy the author has rendered a useful service, but in establishing her point she has proved too much. Every conquest of trade which Pitt planned was a body blow at French world dominion. Had he been less a spokesman of the British mercantile interests he must nevertheless have invaded and appropriated the enemy's markets as the best means of winning the war and of incapacitating the enemy for a later war.

The author very properly allots little space to Pitt's views with reference to the treatment of the thirteen colonies in the decade prior to the outbreak of the War for Independence. Admitting that Pitt saved the colonies during the Seven Years' War, the success of his war policy brought a succession of calamities to them in the years that followed. As the author suggests, either the "genius of Pitt" or the "incompetence of Newcastle" might have served the colonies equally well in these years, since "all the colonies needed was a little wholesome neglect." Pitt in the House of Commons aided his merchant friends in securing the repeal of the Stamp Act, making a much derided (but, it seems to the reviewer, a very helpful) distinction between the legislative and the taxation powers of Parliament. During most of the later years of the contest with the colonies Pitt (now Chatham) was physically incapacitated, but his voice was heard again in 1775 when he presented to the House of Lords his "Plan for settling the troubles with America." Had he been in power he might even then have triumphed over all difficulties with the colonies, one may well believe, through some plan of imperial federation.

It is not entirely clear why the author should devote one-third of her book to a discussion of Pitt's dealings with Portugal, the Barbary States, Russia and other European states. Her interest here is in showing again Pitt's services in protecting and promoting British trade interests; but these matters do not properly constitute a part of his colonial policy. There are some minor errors of fact in the book and a number of footnote citations are carelessly or inadequately made. But these are lapses which the reader readily condones in view of the suggestive value of the author's point of view and the delightful quality of her English.

ARTHUR MEIER SCHLESINGER.

OHIO STATE UNIVERSITY.

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South-Eastern Europe. The Main Problem of the Present World Struggle. By VLADISLAV R. SAVIC. Introduction by NICHOLAS MURRAY BUTLER. New York, Fleming H. Revell Company, 1918.—276 pp.

English-speaking people owe a great debt of gratitude to Seton-Watson for the splendid works that have come from his pen during the past ten years on the Southern Slavs. However, except for the very few students of Balkan problems in the United States, the works of Seton-Watson were probably unknown to intelligent Americans before the Great War. Since the commencement of the war a number of excellent books on Southeastern Europe have appeared in England and the volume under review is the American edition of such a work. Its appeal to Americans is made chiefly in the first, tenth and eleventh chapters. In the first chapter the author's emphasis is upon the fact that the entrance of the United States into the war with the declaration that America would fight for the freedom and independence of small nations was for them the most heartening event of the great struggle because of the known honesty and disinterestedness of the American government. In the tenth and eleventh chapters the author discusses the possibility of intimate future relations between the United States and the South Slav state that will be erected in the event of a victory for the Western Allies, particularly the possibility of the exploitation of its immense resources by American capital.

The title of the book is misleading, for with the exception of one chapter on Serbo-Bulgarian relations, it is exclusively devoted to a consideration of the affairs of the South Slavs, *i. e.*, the Serbs and Croats and their relations with Austria-Hungary. Greece, Turkey and Rumania are practically unmentioned, and Albania receives consideration only in so far as it enters into the problem of boundaries for the future South Slav state. As a work on the South Slav this volume suffers by comparison with A. H. E. Taylor's *The Future of the Southern Slavs.* Probably because Mr. Taylor is an Englishman, and therefore aware of the profound ignorance of Englishmen and Americans as to the history, geography and ethnography of the problem, he has been able to present the subject with a fulness and organization that will probably make a greater appeal to American readers.

Aside from the chapters making a purely American appeal, Mr. Savic divides his book practically into three parts. Chapters ii, iii, and iv give a history of the Southern Slavs and of their relations with Austria-Hungary. Though satisfactory to the specialist, the history

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is probably too sketchy for the average uninformed American. Chapters v and vi are devoted to a consideration of the Austro-Serbian causes of the war and of Serbia's part in it. Mr. Savic gives a clear and accurate statement of the causes and a most illuminating and stirring account of Serbia's heroic defense against Germans, Austro-Hungarians and Bulgarians. The remaining chapters consider the problems that will confront the new state in its internal organization, particularly the harmonizing of the aspirations of the component peoples, Slovenes, Croats and Serbs, and in its external relations with Italy and Austria-Hungary.

The book is characterized throughout by a tone of fairness and impartiality, and the statements of fact are seldom unjustified. Mr. Savic's boundaries for the new state based on ethnic claims are hardly sustained by the excellent map inserted at the close of the book. And once in a while he indulges in a rhetorical flourish that might better be omitted, as when he says on page 248: "For more than a thousand years Germans encroached upon Slav countries. By fire and sword they have germanized millions of Slavs, and have incorporated in Germany hundreds of thousands of square miles of Slav territory." The whole area of Germany is only 205,000 square miles. But these are but small defects in a book that ought to make an appeal to the intelligent American reader.

STEPHEN P. DUGGAN.

COLLEGE OF THE CITY OF NEW YORK.

The Polish Peasant in Europe and America. By WILLIAM I. THOMAS and FLORIAN ZNANIECKI. Chicago, The University of Chicago Press, 1918.—Two volumes: ix, 526 pp.; 589 pp.

The first two volumes of this five-volume work deal with the primary groups of Polish peasant life in Europe and the partial evolution of the primary group organization "under the influence of the new industrial system and of immigration to America and Germany."

The first volume is introduced by an 86-page "methodological note" setting forth the authors' theory of social methodology. Social scientists should not be dismayed by the complexity of the social world; "it is still a problem whether the social world will not prove much less complex than the natural world if only we analyze its data and determine its facts by proper methods." But we need a new technique of rational social control to replace the "ordering and forbidding" technique of popular politics and the faulty technique of practical sociology.

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The immediate task of the sociologist is to acquire knowledge concerning present cultural society. When that knowledge is sufficiently complete and well ordered, then we may gain a real understanding of ethnography and history. The knowledge can be gathered monographically by studying "whole concrete societies" or by the method of the specialist who chooses a specific problem and follows it through a limited number of concrete social groups. The essential feature of the method to be used is the distinction between "objective cultural elements of social life and the subjective characteristics of the members of the social group." This distinction is expressed in the terms "value" and "attitude." A value is any datum, such as a coin or a university, which has "an empirical content accessible to the members of some social group and a meaning with regard to which it is or may be an object of activity," while an attitude is a "process of individual consciousness which determines real or possible activity of the individual or the social world." In disentangling causes and effects, "the cause of a value or of an attitude is never an attitude or a value alone, but always a combination of an attitude and a value."

The method developed by the authors is rather a method of collecting the materials for general sociology than of reasoning to general laws. It treats of the preliminary work which must be done before generalizations concerning present cultural society will be soundly based. Its aim is a "system of laws of social becoming" quite distinct from any supposed essence of social reality or *sine qua non* of social evolution. The method is wholesomely modest in its purposes, less dogmatic than many of its predecessors and quite free from dangerous *a priori* conceptions. It has been so successful in the study of Polish society that there is reason to agree with the belief of the authors that a great body of socially useful knowledge can be built upon this foundation. But it will be indeed surprising if the classification of social phenomena into values and attitudes does not lead to confusion when handled by less careful investigators. The final test of the method will come when other monographical and special studies have been based upon it.

A 200-page introduction to the first two volumes gives a clear picture of the familial system of Poland, its social and economic life, its religious and magical attitudes and its theoretic and æsthetic interests. The remainder of the first volume and all of the second are devoted to peasant letters presented in family series with notes and an introduction to each series. A rich store of information is accumulated

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here which will be of immense value to all students of social evolution. The changes wrought so swiftly by individualism upon the values and attitudes of the Polish peasants are especially significant for comparative study. The letters and introductory analysis treat of the transition from the social values of the old family system to the competitive values of the "capitalist system" as it has invaded peasant life in Poland and America. The intimate view of peasant thought and feeling which is revealed in the letters more than repays the reader for the labor of going through material which is necessarily diffuse.

PAUL BLANSHARD.

COLUMBIA UNIVERSITY.

A History of Medieval Europe. By LYNN THORNDIKE. Boston, Houghton Mifflin Company, 1917.—xx, 682 pp.

No doubt the majority of the medievalists in this country greeted with dire forebodings the announcement of this book, edited by the leading exponent of social history in America, and written by a distinguished advocate of the importance of intellectual history in the interpretation of the life of the middle ages. On examining the book, the conventional medievalist will discover with a sigh of relief that the volume possesses many of the earmarks of "eminent respectability." In it can still be discovered the names and achievements of Arcadius and Honorius, Liutprand, Brunhilda, Peter the Hermit and Raymond of Toulouse; and Magna Carta is reverently referred to as the "most important single document in English medieval history." "Animated moderation" was evidently the watchword of editor and author; there has been no radical break with the traditional treatment of medieval history.

In a rather lengthy preface the author states his dominating purposes and conceptions to be the following: to present the subject as a European unity rather than as an aggregation of separate national histories; to give a large amount of space to the Roman Empire and early Christianity as an indispensable preliminary to the understanding of the middle ages; to emphasize feudal and municipal diversity rather than national unity as more truly descriptive of medieval conditions; to present ecclesiastical organization as a better key to the unity of medieval civilization than political life; to emphasize the environmental basis of medieval European history; to give proper attention to social, economic and intellectual history at the expense of the minor details of political, dynastic and military events; at the

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same time to tell the story of political and military history with sufficient completeness to give clarity and hold the attention of the reader; not only to narrate political events, but also to analyze the chief developments in medieval legal history, and the main types of government in the middle ages; to give more space than is usual to the history of eastern Europe; and, finally, to give some indication in the text of the extent and reliability of the sources of information out of which the narrative is constructed. From the viewpoint of the allotment and arrangement of material, the aims of the author have been carried out with painstaking consistency. It might be useful to point out by way of summary that, out of the 620 pages of the text, over 150 pages are devoted to ecclesiastical history and over 300 to social, economic and intellectual history. The relative emphasis indicated by this proportional division is noteworthy.

The outstanding merit of the volume consists in the author's sane and somewhat original conceptions of the chief lines of development in medieval civilization, and the resulting emphasis given to the various topics. Though the book of course falls far short of being an adequate social history of the middle ages, there is probably no other textbook on medieval history in which one can, in the same number of pages, find as much varied and pertinent information as Professor Thorndike has here gathered together. Moreover, there are few in which the reader feels more certain that he is treading on the firm ground of reliable source material. Most of the latest light on medieval history and many of the new interpretations are embodied in the text. Political and institutional history is traced in so unbiased and dispassionate a manner as to be equally unsatisfactory to disciples of Coulanges and Maurer. Finally, the mechanical aspects of the book are of the highest order. In this respect it is a vast improvement over any other American textbook on medieval history. The type is unusually large and clear. The maps are frequent and, if anything, err in an excess of clarity and distinctness of demarcation, as is notably the case with the summary map on page 640. Helpful class exercises and well-selected reading references are appended to each chapter, and the index almost reminds one of the exhaustiveness of that in Cross' *History of England and Greater Britain*. In short, in orienting the student as to the chief lines of institutional development in the middle ages, in allotting the space in such a manner as to give proper emphasis to these developments, and in providing the proper mechanical incidentals, the author has been highly successful.

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The defects of the book are not generally related to its scholarship or the larger phases of its arrangement, but rather to the detailed execution of the project; they impair the value of the work as a text-book rather than as a contribution to knowledge. They are similar to the faults of the horticulturist who has shown enviable skill and sagacity in locating his orchards as to fertility and position, but has failed signally in the matter of the spacing and alignment of his trees.

In the first place, the work gives the impression of being primarily a collection of essays on the most important of the different phases and periods of medieval history rather than a synthesis of the main currents of development, organized and presented in such a manner as to impress one with the conception of genetic growth and organic development. In this respect the book is greatly inferior to George Burton Adams' *Civilization During the Middle Ages*, a work which is an indispensable supplement to Professor Thorndike's volume in its present form. Moreover, the attempt is frequently made to deal with a topic once and for all in a manner so generalized and comprehensive that considerable anachronisms occasionally occur. Thus in the third chapter Teutonic juridical institutions, which did not fully develop until the height of the middle ages, are represented as though they might have co-existed at the time of Tacitus with blood-feud. Nor is the picture presented in each chapter-essay clear and calculated to leave a distinct impression on the mind of the reader. The confusion is due in part to the lack of orderly and logical arrangement of the material under carefully planned heads, and still more to the inclusion of a great number of utterly inconsequential details, many of which are humorously trivial. This latter fault reaches its highest point in the chapter on the barbarian invasions, probably the worst chapter on this subject in any textbook. Here a beginner in medieval history may learn something of the father, uncle, aunt, cousin, son-in-law and generals of Theodosius II, but will scarcely discover unaided what the invasions were, why they took place, who participated in them as the chief invaders, or what constituted their main significance in medieval history. The use of footnotes for irrelevant material would have added greatly to the clarity of the text. Again, it seems evident that material intended for one chapter, but forgotten or mislaid, has been dragged in bodily in a later chapter, as in the reference to the Lombards and Anglo-Saxons at the very close of the ninth chapter. Subjects which should be discussed as an organic unity are unnaturally separated, as in the case of monasticism on pages 109-12 and 160 *et seq.*

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While most of the new and important interpretations of great movements or periods are included, they are frequently so inconspicuously and unhappily located, or their implications are so little utilized by the author, that they lose all their force. For example, the relation to the barbarian invasions of such fundamental points as the gradual infiltration of barbarians into the later Roman Empire and the influence of the desiccation of the Caspian basin are casually mentioned in the earlier chapters, but they are not referred to in connection with the invasions. Or, again, at the outset of the treatment of the "Renaissance" a paragraph is given to what is called "the general character of the period." From this one would not gather that the author intended to deviate in the slightest from Symonds in the interpretation of the period. Suddenly, in the middle of the chapter, the reader is abruptly introduced to Professor Robinson's original and well-defended thesis that there was no such thing as a "Renaissance" in the old sense of the term, but this information seems to have affected the author little, for he proceeds to move serenely on in the path of Symonds. While few important advances in our knowledge of medieval history in recent years have escaped Professor Thorndike, there are several exceptions, the most astonishing being the solemn repetition on page 608 of the old myth, so thoroughly punctured by Professor Lybyer, which represents the commercial revolution as having been caused by the seizure of the eastern trade routes by the Turks. Yet Professor Thorndike's own pages, by implication at least, discredit the theory. Finally, former students of Professor Shotwell will note with surprise the omission of many of the points most emphasized in his lectures on medieval civilization, such as the north European background of medieval history, the Celtic influence on medieval institutions, the significance of the breakdown of kinship groupings among the Germans between the period of Tacitus and that of Clovis, and the anthropological basis of medieval Christianity.

Such minor faults of detail and organization should be eliminated in the second edition that will undoubtedly be demanded. In the meantime the publishers and editor should engage some medieval historian with a real gift of organizing material to prepare a syllabus closely correlated with Professor Thorndike's book, but also making reference to such genetic material as the chapter on the Feudal System in George Burton Adams' *Civilization During the Middle Ages* and the chapter on the Foundations of Society by Vinogradoff in the second volume of the *Cambridge Medieval History*. This would

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make even the first edition the most serviceable textbook on the subject in the English language. At present it must be regarded as an indispensable adjunct to the teacher's equipment rather than as an instrument for awakening the interest of the beginner in medieval history and guiding him to a mastery of the subject.

HARRY E. BARNES.

COLUMBIA UNIVERSITY.

The Fight for the Republic in China. By B. L. PUTNAM WEALE. New York, Dodd, Mead and Company, 1917. — xiii, 490 pp.

The number of Europeans who possess an intimate personal knowledge of recent conditions in China, who can speak Chinese fluently, and hence are free from dependence on the dubious service of interpreters and from sole reliance on official and unofficial literature of European provenance, is extremely small. Bertram Lenox Simpson, known by his nom-de-plume of "Putnam Weale," is one of the few who enjoy these advantages. Moreover, he wields a singularly facile pen. No other author has turned out so large a collection of works on the kaleidoscopic phases of the situation in China developing since the Boxer insurrection. A journalist by profession, at one time an official in the Chinese customs service, a keen observer of events and tendencies, he reveals in his books a grasp of the main issues which is quite extraordinary. Though a bit slip-shod in his citation of facts, not over precise in the use of his mother tongue, inclined to be dogmatic and to indulge in sweeping generalizations, and because of his ease of composition and zest for publication disposed to make even specific statements that a careful scholar might not be willing to sponsor, he is capable nevertheless of enlisting attention at the outset and of holding it to the end. Current ideas, to be sure, about the modesty that should "hedge about" an author receive something of a shock, when the preface to the present volume starts off with an assertion that the work "tells everything that the student or the casual reader needs to know about the Chinese Question"; but one can afford to make due allowance for so candid an expression of confidence by Mr. Weale in his knowledge of the subject.

Neither too exhaustive nor too condensed in treatment, the work describes the intricate course of Chinese affairs during the past five years in a manner that gives an unusually clear insight into the mazes of Far Eastern politics and mentalities. How rapid, indeed, is the

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occurrence of events may be shown from the fact that since the book was published the arguments that Mr. Weale makes on behalf of strengthening the financial situation in China have been upheld by the action of the Allies in agreeing to postpone for five years the payment of the Boxer indemnity. So, too, his picture of "the famous, or infamous, General Chang Hsun, the leading reactionary of China today, who still commands a force of 30,000 men astride the Pukow Railway," has already become antiquated since that worthy's fiasco of an attempt at putting the boy emperor on the throne at Peking and his subsequent flight for refuge to the Dutch legation. More than a description, the text lays bare the astounding and deplorable ignorance about China that is characteristic of Europeans—not only of those who have never visited the country, but of those who are actually resident in it, including both diplomats and foreign "advisers." It makes plain how the failure, aided and abetted by European counsel and connivance, to afford the provisional constitution a fair trial under governmental forms was responsible in largest measure for the ills that have befallen the country. On the other hand, the work is an object-lesson to folk who regard the land of Confucius as a huge helpless welter, out of which Japan alone can bring forth law, order and progress. It refutes the supposition that the internal commotion, added to the injurious consequences of the European war, has led China to the verge of bankruptcy, and points out that, relatively speaking, it is, instead, one of the most debt-free lands on earth. Finally, Mr. Weale's message helps to dispel prevalent notions about national petrifaction, summed up in the term "Chinafy." To the conviction held by China's friends and well-wishers abroad, that great days of modernity will replace cycles of Cathay, it imparts hope.

Though the story of the rise and fall of Yuan Shih-kai, of the sinister rôle played by Japan, and of the civil struggles that have made military rule imperative, is the central theme, the accompanying study of the conflicting types of Japanese and Chinese minds, of the curious mingling of the Oriental and the Occidental in spirit and manifestation, is particularly valuable and interesting. This is brought out, not only in the text proper, but in the numerous documents intercalated here and supplied also in the elaborate appendices to the volume. Over against Japanese thought, that outwardly views and handles political problems in European fashion and that inwardly is imbued with theocratic concepts suggestive of the Middle Ages, are set two contrasting forms of Chinese mentality—the one,

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reactionary or corrupt, naïvely dishonest and flagrantly weak; the other, progressive and straightforward, fearlessly patriotic, shrewdly cognizant of the best and of the worst in foreign ideas and institutions, and keenly aware of what must be taken over and what rejected. How greatly the voice of men of recognized intellect sways the people of China is exemplified especially in the case of Liang Ch'i-chao, a scholar unacquainted with any European language and yet the master of a fund of knowledge of the world's history seldom surpassed by his contemporaries in other lands, who published a series of pamphlets replete with all the incisive obliquity in which the Chinese delight, and which more than any single agency caused the downfall of Yuan Shih-kai.

Among the features of the book which seem to call for further comment are the statements made about the policy of Japan and about the responsibility of Dr. Frank Johnson Goodnow, in his capacity of American adviser on constitutional law, for the fate of the dictator-usurper. No portion of the text is more dramatic—almost to the point of being "stagey"—than the chapter telling of the origin of the famous "Twenty-one Demands." Here and elsewhere Mr. Weale declares that the real object at which Japan aims is, not the creation of an Asiatic Monroe Doctrine, but the elaboration of a "Doctrine of Maximum Pressure," to be applied to China on every available occasion for the political and economic benefit of the insular nation that fain would be in the Pacific what Great Britain has been in the Atlantic. How utterly undesirable the attainment of such an ambition on the part of a military autocracy, medieval in spirit and modern merely in externals, would be, is clear from the author's frank opinion, as an Englishman, that "it is every whit as important for the peace of the world that the people of Japan should govern themselves as it is for the people of Germany to do so" (page 78). He goes so far, in fact, as to assert that, in order to restore a proper balance of power in eastern Asia, Korea should be reëstablished in something like its former position of autonomy. To his mind, it bears much the same relation to the stability of Asia as Poland does to that of Europe.

While fair and even generous in his allusions to American policies, Mr. Weale is distinctly belligerent in his attitude toward Dr. Goodnow. If the latter is rightfully chargeable with the kind of "advice" that he is alleged to have given Yuan Shih-kai, the strictures passed upon him, it must be admitted, do not seem easily refutable. Assuming the substantial accuracy of the English translation of the

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Chinese version of the English original of the "Goodnow Memorandum" (page 175 *et seq.*), which, it is asserted, led the way to the great Chinaman's attempt at seizing the imperial yellow, the reader certainly does find strange misconceptions in it of English and Spanish-American history in its applicability to Chinese conditions. The sneers that Mr. Weale flings at the American jurist, however, are quite unbecoming, as is also the gratuitous statement (page 66, note), which he takes apparent pleasure in repeating (page 174, note), that "Dr. Goodnow carried out all his constitutional studies in Germany, specializing in that department known as administrative law, which has no place, fortunately, in Anglo-Saxon conceptions of the state." Both as to its geography and as to its political science, the statement is erroneous. The country in question was France—a land in which *droit administratif* is as powerful on its side of the line as *Verwaltungsrecht* is on the other. Administrative law, doubtless, has no place in Anglo-Saxon conceptions of the state, but it has an increasingly prominent one in the Anglo-Saxon conception and operation of government.

WILLIAM R. SHEPHERD.

Young India: An Interpretation and a History of the Nationalist Movement from Within. By LAJPAT RAI. New York, B. W. Huebsch, 1917.—xliv, 257 pp.

England's Debt to India: A Historical Narrative of Britain's Fiscal Policy in India. By LAJPAT RAI. New York, B. W. Huebsch, 1917.—xxx, 364 pp.

In the preface to an earlier work by the present author, alluding to certain social, educational and religious movements among the Indians in recent years, Sidney Webb speaks of the "perplexity of the average unimaginative and somewhat 'unspiritual' British official, who cannot understand 'what it is these people are after.'" Doubtless the same puzzled state of mind is found among many other folk of European stock who wonder what "Indian unrest" is, and what it means. An explanation of the phenomenon is furnished in these two volumes. One discusses British rule from a political standpoint; the other views it from an economic angle. While not representing the ideas of the ultra-radical group of Indians who would oust foreign control by a resort to violence, their spirit is sharply, and at times bitterly, critical, and vehemently insistent upon the adoption

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of changes that will put India, in its relation to Great Britain, on the same plane as the self-governing dominions.

The American reader, for whose information apparently the books have been issued, cannot fail to be impressed with the earnestness and sincerity of the author, with the portrayal of wrongs that should be righted, and with the weight of much of the evidence adduced; but he cannot help feeling that, had they been composed in a different fashion and published after the close of the war, rather than in the midst of it, they might have awakened more of a sympathetic response in the world outside of India than seems probable just now. Like many other impassioned advocates of a cause that is little understood, Mr. Rai has overstated its merits. Despite the disclaimer he offers for his countrymen, of any intention to harm Great Britain as a world power or to disturb it during the present struggle, he has painted his picture of the ills from which India has suffered so darkly as to create a reaction of thought somewhat unfavorable to the realization of his object. A frank acknowledgment that British rule has conferred some benefits at least could have been made. These posited, it would then have been wise to indicate specifically what the grievances are that call for redress. Repetitious denunciation and convicting your antagonist out of his own mouth may be the best of arguments, if addressed to an audience that already knows something about the subject; but they fail of their point where the audience is quite ignorant.

Both Europe and its reflex, the United States, know little enough of the real Japan, less of China as it is, and still less of present-day India. Popular notions about the last of the three, indeed, are based mainly on earlier misconceptions of it. Instead, therefore, of supplying the American reader with a carefully prepared account of India, geographical, social, economic and political which, when once digested, would enable him to comprehend the recital of grievances to follow, Mr. Rai assumes an antecedent knowledge possessed by that individual of places, names, events and conditions which simply does not exist. If he has written for the few who are familiar with India, past and present, his is a work of iteration; if for the many who lack such acquaintance, he has poured more or less into a void. In either case, the two books as they stand are pieces of propaganda, with all the merits and defects of partisanship which distinguish productions of the sort.

WILLIAM R. SHEPHERD.

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The Theory and Practice of Scientific Management. By C. BERTRAND THOMPSON. Boston, Houghton Mifflin Company, 1917. —vii, 319 pp.

In this volume Mr. Thompson presents in revised edition several articles first published between 1914 and 1916 in the *Quarterly Journal of Economics*. The original articles are here supplemented by a biographical sketch of Frederick Winslow Taylor, and a bibliography—very extensive and well classified — of books and periodical contributions on scientific management.

The book is in the main a friendly but careful criticism of the manner in which the various features of scientific management have worked out in practice, together with speculation as to what are likely to be the ultimate consequences of the system for economic life. In general scope similar to Professor Hoxie's *Scientific Management and Labor*, it yet differs radically from the latter in method of approach and consequently in conclusions. Hoxie seems to have been greatly surprised, if not taken off his feet, by the diversity of schools and the variations in quality that have characterized or masqueraded under the name of scientific management; Thompson avoids this issue by confining his analysis to the work of the small group of consulting engineers (not more than twenty) who constitute the center of the movement in this country, and represent its better ideals. Hoxie also found it impossible to reach other than disagreeable conclusions, because he compared scientific management with that ideal labor program which he carried in his mind but which no industrial practice has yet reached. Thompson is more matter-of-fact and judges the new management wholly on the basis of its advances or backslidings as compared with current practice.

The story of scientific management as written from this point of view is shown to be a record of substantial progress. It is true that some of its tenets exist only on paper. Thompson renounces any claim to unusual skill or method in selecting employees, and states that he knows of no scientific study of fatigue. Other features of scientific management are said to vary a great deal in the thoroughness with which they have been applied in different plants—for instance, time study, instruction cards, and routing. But notwithstanding this unevenness of method, he finds that in most cases the introduction even of an abridgment of the system has been valuable. Manufacturers will not give net financial figures, but it is known that in machine shops the output has commonly been increased twofold or

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threefold, and on hand work between 60 and 100 per cent. On miscellaneous machine work the increase has usually been not quite so large. It is worth noting, however, that about one-third of the installations with which Thompson is familiar are listed as failures.

But what of the effects of scientific management on labor? Accusations as to overwork the author regards as answered satisfactorily by the numerous investigations which have been made along this line. Of the influence of specialization upon the intelligence and opportunities of workmen he says that "unfortunately skill is still sometimes confused with variety of attainment." Scientific management, however, provides the workman with a "measurable and demonstrable skill, one of the effects of which is to tone up his standard and make him dissatisfied with a hazy versatility which is unaccompanied with real skill in any detail." This genuine skill is the best basis for real invention on the part of the workman. The interest of the workmen "extends beyond their own work to that of the management." Inasmuch as the success of the worker depends partly on the smoothness with which the administrative department is conducted, it is common to see "workmen reminding their 'bosses,' in no uncertain terms, of their failure to live up to their managerial responsibilities."

Scientific management, in fact, is not autocracy, but democracy. "An industry which is governed by facts rather than by traditions and opinions is fundamentally democratic, at least in the sense that it is immaterial whether the fact is produced by the general manager or the humblest lumper." It "is a step in advance from the current type of arbitrary personal control." Scientific management, however, is opposed to the type of democracy which considers any degree of restriction of individual liberty undesirable. There must be control by some one, and the leaders should be chosen neither by the rank and file of employees, nor through arbitrary selection by owners and managers. "Scientific management provides a method of selection by capacity. . In other words, its type of government is that of an aristocracy of demonstrated ability, tempered by the necessity of retaining the good will of employees without which the methods of scientific management cannot be successfully operated." In theory the author seems to favor the collective bargain, but he believes that industrial unionism must take the place of craft unionism if labor organization is to survive under the new conditions.

While much might be said in criticism of a "democracy" in which motivation and control are still in the hands of a limited class,

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Thompson's clear statement shows that as a system of administration scientific management marks a democratic gain. Other illuminating discussions take up the effect of scientific management upon the entrepreneur, upon unemployment and inequality of income, upon wages, the bonus, and the cost of living. On these topics, and every other subject that he touches, the author writes as one who has for some time made an exceptionally thorough and intimate study of scientific management and has yet retained for the most part the unprejudiced attitude of the teacher of economics. His book will do much to replace with a sounder appreciation of the actual facts the loose notions that come from popular reading or uninformed criticism.

The chief drawbacks of the book as a complete statement grow out of its composite character and the fact that it was impossible for the author to bring it in a large way down to date. It is a series of essays rather than a systematic presentation of the theory or principles of scientific management, and the various chapters are not perfectly co-ordinated. Though Thompson professes to measure very minutely the extent of the influence of scientific management, he makes no mention of the great wave of interest in the matter which swept over Europe soon after the outbreak of the war; and the book was unfortunately issued just too early for it to contain a hint of the extent to which the same principles are being introduced into the military establishment of the United States. Though a revision of the statistics and an expansion of the bibliography have been made, the spirit is still that of the author's earlier articles. But both the world at large and scientific management itself have in the meantime been rapidly changing.

HORACE B. DRURY.

UNIVERSITY OF CALIFORNIA.

History of Transportation in the United States before 1860. Prepared under the direction of BALTHASAR HENRY MEYER by CAROLINE E. MACGILL and a staff of collaborators. Washington, Carnegie Institution, 1917.—xi, 678 pp.

This work was preceded by a number of monographs (several of them published), which "with several indexes, collections of notes, and partially completed manuscripts," were, according to the preface by Dr. Meyer, "placed in the hands of Miss Caroline E. MacGill . . . . for elaboration into book form. . . . . This volume must be viewed as a contribution rather than as a completed study. It seemed much better to utilize as far as possible all of the material which the

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various collaborators had brought together than to restrict the volume to only such material as would be required in producing a thoroughly systematic, unified, and closely knit book." That such a method of preparing a historical narrative is unsatisfactory is obvious, but it would not be fair to question Dr. Meyer's decision as to the method without knowing all the facts upon which the decision was based. As to the results achieved, however, much may be said.

The work is divided roughly into three parts, the first quarter dealing with early roads and trails, the second quarter with waterways, and the remainder with early railroads. The book is misnamed and the chapter titles are often misleading. The volume consists for the most part of extracts from the works of individuals who have made special studies of the development of transportation facilities in particular sections of the United States. So little has been done to fill in the gaps that the text fails utterly to justify the title.

Except for scattered and infrequent allusions to the conditions of early travel there is no account of the development of transportation during the colonial period in any section of the country except the South—the section in which there was the least land transportation. No attempt has been made to cover fully the decade from 1850 to 1860, which was by far the most significant period in the history of railroad transportation in the United States before the Civil War. It was in this decade that railroad transportation became national instead of local; it was this decade that marked the beginning of those consolidations which led eventually to the establishment of our leading railroad systems. In but few instances is the history of any railroad carried farther than 1854. A brief reference is made to the growth of the Pennsylvania Railroad system; not a word can be found concerning the consolidation of the lines between Buffalo and Albany into the New York Central Railroad. In certain respects this consolidation was one of the most important events in the railroad history of that eventful decade.

Even if there were good reasons for stopping the railroad history short of 1860 there is no reason for failing to give the history of highways and canals. The National Pike is left at Wheeling; occasional references are made to the fact that it was extended across Ohio and Indiana, but no account of the extension is given. The story of the construction of the Erie Canal is told in detail, but only scattered allusions inform us that the Erie Canal had any history between 1825 and 1860. The Morris and Essex Canal is mentioned twice in the text and once in the index, but no account of this water-

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way appears; the improvements of the Lehigh and Schuylkill Rivers, of far greater importance than many of the western waterways described with considerable detail, are merely mentioned; the Dismal Swamp Canal, one of the earliest completed canal projects, is not spoken of except for a casual reference in the last chapter.

The attempt "to utilize as far as possible all of the material" results in much repetition of "background," as for instance in chapers i, v, viii and xii, and also in the repetition of detailed facts; for example, pages 81, 208; 89, 210; 91, 137; 113, 297; 130, 282. In some cases attempts to avoid extensive repetition have brought about a haphazard arrangement of material; for instance, chapter i names and locates the early trails of the Middle West except those in the territory which later comprised the state of Ohio, the trails of this state being described in chapter iii. The description of the Pennsylvania Canal (the Main Line of Public Works) in chapter vii tells nothing of the Philadelphia and Columbia Railroad and the inclined planes between Hollidaysburg and Johnstown, those two features of the Main Line being left for consideration in a later chapter on railroads. Should the objection be raised that consistency demands that a discussion of railways be omitted from a chapter on canals the question might be asked as to why chapter v on Waterways in New England contains an account of the early railroads of Massachusetts, and why chapter xvi, dealing with railroads in the Middle West, gives an account of canals in Indiana and Illinois, even though chapter ix presumably covers the subject of transportation in the Middle West before the railroad era.

Certain epoch-making events in the history of transportation are disregarded entirely or treated in a manner that causes the events to lose all significance. Turnpikes and turnpike companies, representative of the first organized effort which the people made to improve the conditions of land travel, are treated only in a casual manner. There is no account of the invention of the steamboat. The "Clermont" is not even mentioned, and Fulton's chief claim to distinction seems to have been his greed for the monopolistic control of rivers.

Errors are not infrequent. The statement on page 65 that the British government forbade the "carriage of most articles of colonial manufacture, even for short distances," is quite without foundation. Before 1750 the restrictions of Parliament affected only woolen manufactures and hats, and even these could be carried freely within any single colony. From the statement on page 356 it would appear that the Baltimore and Ohio Railroad not only is not our first rail-

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road but that it has no pretensions to the honor. When one examines the dates of the three acknowledged claimants of the honor, as given on pages 357, 390 and 422, and of the Baltimore and Ohio (page 397) one wonders why the last named has been slighted.

As much space is devoted to the study of commerce—traffic, goods exchanged—as to transportation, or the facilities for the carriage of the goods. As a result a great deal of the information which appeared in previous contributions of the Carnegie Institution is repeated. There is no orderly account of the development of locomotives, passenger cars and freight cars; nothing is told of the evolution of the T-rail; virtually nothing of stage-coaches and the famous Conestoga wagons; there is no account of the delights of canal-boat travel, such as were depicted by Dickens. In fact, there has been no effort to give a consistent history of the development of any of the facilities for transportation, beyond statements of the mileage of railroads and canals, and of the growth in the number of steamboats on lakes and rivers.

The work contains a mass of unquestionably valuable information. But so much has been left out, and the material presented has been so poorly organized, that the volume can in no sense be regarded as a satisfactory history of our early transportation.

T. W. Van Metre.

Columbia University.

The Life of James J. Hill. By Joseph G. Pyle. New York, Doubleday, Page and Company, 1917.—Two vols.: vii, 498; 459 pp.

This is a rare piece of work. The theme, the hero and the author are well matched to make an American epic, the building of the empire of our great Northwest. In a long career of wisdom Mr. Hill never made wiser choice than when he entrusted his public and private papers to Joseph G. Pyle with the commission to write his biography and "make it plain, simple, and true." In that brief instruction Mr. Hill wrote his autobiography. And in expanding that autobiography through nearly a thousand fascinating pages, Mr. Pyle has never once departed from the text. The unadorned sincerity, the straightforward simplicity, the clear-ringing truth of these volumes reveal a character which develops in splendid consistency from the poor lad on a little Canadian farm to the master-builder of a continent.

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It is as difficult to review a work like this as it is to review Hamlet or the New Testament. It is a book to read and not to read about. And in reading it one will be heartened in his faith in the democratic virtues. "Jim Hill's luck" was the phrase in which the men who believed in luck summed up his success. But Mr. Pyle shows that Jim Hill's luck was the happy combination of industry and foresight, of thrift and courage, of ambition and honesty. "I have tried at all times not to waste energy;" "I have never earned a dishonest dollar;" "I have never found when a lie would take the place of truth;"—these are not the boasting apologies of a character on the defensive, but the simple confessions of a guileless mind. "Mens conscia recti"! St. Simon's dream of "honor and service joined" was fulfilled in James J. Hill.

One hardly knows what to admire most in the many-sided activity of Mr. Hill from the midsummer day of 1856, when he arrived penniless at the little trading-post of St. Paul just too late to join the annual caravan of creaking bullock carts that toiled over the western wilderness to the Pacific, until the day sixty years later when he died crowned with riches and honor, the foremost man of the magnificent city and of the empire of the Northwest which he had done so much to build. Through his whole career one principle ran with undeviating consistency: he built on solid foundations. Whether he was acting as shipping agent for a modest trade on the Mississippi River, or doing a warehousing business in wheat, oats, lumber, coal, bacon, wood and brick, or prospecting for the development of the rich land of the Red River valley to Winnipeg, or courageously buying the "choice assortment of railway odds and ends" of the bankrupt St. Paul and Pacific ("two streaks of rust and a right of way"), or carrying his lines across the vast stretch of Montana prairie and the Cascades to the Columbia, or joining the Northern Pacific and the Burlington to his system of the Great Northern—he based every move not only on the most exhaustive study of the problems of engineering, finance, natural resources and economic prospects involved, but also in the constructive principle of increasing the value of farm, forest and mine. He never built a mile of road for the stock market; he never overcapitalized and never wrecked a property for gain; he never put a dollar in his pocket at the expense of stockholders (whom he once called his 18,000 partners), but when millions of dollars worth of mineral deposits came into his control he divided them as a bonus share for share to his stockholders of record. He spent lavishly from his

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private purse to improve the breeds of cattle, the yield of crops, the drainage and seeding of the farms on which he knew his railroads depended. "Every dollar we get," he said in his straightforward speech to the farmers of the Northwest, "you have to get first." He thought first "not of $500,000 to be picked up, but of 500,000 bushels of wheat to be carried." The final testimony to his service to the country is in the statistics of the growth of the seven states through which the Great Northern ran: population increased 50 per cent in the decade 1890-1900 (as against 20.9 per cent for the country as a whole), farm lands increased 188 per cent in value, and total farm equipment and buildings 220 per cent. The marvelous growth of the fortune of his own properties (detailed in Appendix IX) is but the reflection and consequence of this prosperity which he, above all others, stimulated. Before the term "public service corporation" was in use, Mr. Hill managed all his corporations for the public service.

A recent writer on American economic problems has written: "Problems of distribution do not exist until a demand appears located at a distance. Ships and railroads are purely incidental factors in bringing the supply to the demand." Mr. Hill's work refutes this statement. He used his ships and railroads to create the demand at a distance, making an eastern market for timber which the Pacific coast lumbermen "used to cut down and let [it] run out to sea to get rid of it, and making a western market—across the Pacific to China and Japan—for the grain, the cotton, and the steel of America."

Of Mr. Hill's services to conservation, to sound banking and currency, to education and religion, all faithfully described by his devoted biographer, we have not space to write. Only one feature of the book seems to us open to mild objection: that is Mr. Pyle's animus against the legislative and judicial measures of the government in the regulation of big business. He seems to see only hostility and bungling in the restraints of the Sherman law and the Northern Securities and Minnesota Rate Cases. Mr. Hill's own attitude was one of complete deference to the law even when it hit his interests hard. The reader of these remarkable volumes will wish again and again that the author had furnished him with a map showing the growth of the Great Northern system from the Lakes to the Pacific.

D. S. MUZZEY.

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A History of the United States since the Civil War. By ELLIS PAXON OBERHOLTZER. New York, The Macmillan Company, 1917.—Five volumes. Vol. i: xi, 579 pp.

Someone once characterized the plunge of the South into secession and civil war as a drunken debauch. Mr. Oberholtzer makes his reader feel that the period following this debauch was truly the "morning after." As an individual in his relations with his associates at such a time is apt to be peevish, fretful, emotional and impulsive, so in their relations with each other and in their attempts to readjust themselves to normal conditions were the two sections of the Union. In hardly any other way can one comprehend the impolitic and undiplomatic "black codes" of the Johnson governments in the southern states, the unfortunate refusal of the President to accept the principles of the Fourteenth Amendment as a further condition precedent to the complete restoration of the rebel states to their place in the Union, the violent antagonism between Congress and the President, the impeachment of the latter, the foolish attempt of the Republican party—so conservative in other matters—to foist upon the South Negro carpet-bag rule, and the corruption and maladministration of the Grant régime. But the allusion to the last matter is going beyond the limits of the present volume.

Mr. Oberholtzer promises to write in five volumes *A History of the United States since the Civil War*, of which this is the first. In it is found an account of the events occurring between the close of the war and the beginning of the year 1868. At once arises the question—a question not answered in any sort of prefatory note or introduction—as to the author's meaning when he calls his work a history since the Civil War. Does he purpose to bring the story down to somewhere near the present time? If so, it would seem that the first volume should have been a history of more than three years. If, on the other hand, he intends that each volume shall cover about the same amount of time as the one under consideration, then his entire work will end at approximately the year 1880. This will mean that it is to be scarcely more than a history of the Reconstruction period—a period which on the political side at least has been rather overworked. As was to be expected, the account of the politics of the Johnson administration contains scarcely anything that is new. However, even including the discussion of foreign relations, only a little over one-half the volume is devoted to political history. In the remaining half the author treats us to an enlightening account of

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matters with which the other general histories of the period have dealt but slightly. It is this fact that makes the book notable.

The description of social and economic conditions in the South following the surrender of the Confederate armies is compressed into a chapter of fewer than seventy pages, and yet so well is it done that no less clear an impression is left than would be gained by plodding through half a dozen monographs on reconstruction in the various rebel states. Even better is the account of economic development in the North. One is made to realize that the people were wild with the desire to get rich quick. They invested their money in all sorts of speculative enterprises, they went in droves to the newly discovered oil fields of western Pennsylvania, they invented many new appliances, they built steamboats, constructed railroads and manipulated the stocks, they believed it was little short of criminal to allow any natural resources to remain unexploited, they practiced fraud and peculation on a greater scale than they had ever done before. Having made their fortunes—as many did—they displayed their wealth in an ostentatious and vulgar manner at watering places and other resorts. While the reader is aroused to the highest admiration for Cyrus Field and his associates for the pluck and persistence they displayed in laying the Atlantic cable, he is shocked at the greediness of the owners in charging exorbitant sums for its use. One feels sad and dejected to think that the promoters of such a splendid enterprise should, by employing their achievement as a means of becoming wealthy, have had money as the principal motive to spur them on in their undertaking. But such was the age. The reward for all services was a money reward, and hardly any other was ever thought of. One almost wonders why the ministers of the gospel did not change their ideas of theology so as to picture the Great Judge as sitting on his golden throne and paying the redeemed soul in cash his wages for his goodness on earth. Such a theology would have attracted a great many more Americans of the sixties to church on Sundays than probably attended.

The account of the opening for development of the Far West, the perilous old overland trails and roads, reaching the heyday of their glory just at the time when the building of the first transcontinental railway was about to put an end to their glory forever, is all a story of great interest, which reads like a romance. Mr. Oberholtzer seldom passes judgment on or ventures an interpretation of his facts, but tells his story apparently for its own sake. Nevertheless, one is made to feel, especially in the account of the machinations of Ben Holla-

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day and the Wells Fargo Express Company, that even here in this romantic tale of western pioneering greed for gold was not absent.

One of the most enlightening chapters in the book is that on the relations of the government with the Indians. It is a pathetic story—pathetic not only because of the mistreatment of the poor Indians, but also because of the revelations that are made in it of the inefficiency and senseless policy of the government. One paragraph will suffice as an illustration of this policy, which was so full of dishonesty and incompetency:

> The truth is that the Indian was a victim of every dishonest man at home as well as beyond the national borders. The annuities sent him often arrived late, and on that account bad feeling was engendered in his breast. The blankets given them were likely to be of shoddy. The upper Missouri commission of 1865 said that goods intended for the Indians were never received. Some would be made over to them by the agents; the rest were sold. The vouchers bearing the marks of the recipients were insufficient in number; often they were forged. It was the opinion of Father de Smet, a Jesuit missionary in this region, that not more than 25 per cent of what the government purchased for the Dakota and Montana Indians ever reached them. Although there was in San Francisco a good market in which the wants of the California Indians could have been supplied, great freight charges were paid on cheap and useless material sent thither from the East. In bales of blankets coming into Montana 113 pairs were missing; they had been stolen en route. Twenty cents a pound, twice an equitable freight rate, had been paid for the conveyance of these blankets from Fort Benton to the Flathead agency. Mining tools of traders were transported by the government as Indian goods. Cattle were bought for the Indians and put to private use. Fat kine were exchanged for poor animals which were then fed to the wards of the government. The traders would give three or four cups of sugar, or a butcher knife and a little red paint, or again a few plugs of tobacco for a buffalo robe, worth $10 or $12. They would demand three robes for fifty pounds of flour (page 355).

As a final commentary on this policy it may be mentioned that the Indians who remained fairly quiet hardly ever received their supplies from the officials of the government, while those who went on the war-path from time to time and scalped a few whites were usually successful in obtaining theirs. Such was the reward for good and bad behavior! Is it any wonder that most of the Indians were restless and warlike?

So well has Mr. Oberholtzer written the social and economic history of the period, that the reviewer may be pardoned for expressing the hope that in those volumes covering the Grant administration he

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will expand the space given to this side of his narrative and contract the amount given to the political side. After he passes the time when reconstruction is usually accounted at an end, and comes into the less well-known field since, he might properly devote a greater proportion of his space to politics.

BENJAMIN B. KENDRICK.

International Conventions and Third States. By RONALD F. ROXBURGH. London, Longmans, Green and Company, 1917.—xvi, 119 pp.

The present work is the second to appear in the series of "Contributions to International Law and Diplomacy," edited by Professor Oppenheim, who, in an introduction, states that the author has "brought together a considerable amount of material" and has "come to very valuable conclusions which require thorough examination and consideration." The author enables us to get a general view of his conclusions by closing his volume with a recapitulation of them. To a great extent they furnish no occasion for discussion. On the other hand, some of them present ample opportunity for speculations, more or less vague, and tending to create unnecessary if not essentially futile distinctions. Oppenheim is cited (page 45) as authority for the proposition that, in the case of accession or adhesion, "the rights and liabilities incurred (*sic*) by the third state are incurred, not under the old treaty, but under an additional treaty identical in terms with the old." As Oppenheim's words are that "accession always constitutes a treaty of itself," it is not clear that he intended to deny that the acceding or adhering state acquires rights and incurs liabilities under the "terms" of the "old treaty." Nor is it clear that we must accept as valid the author's proposition (pages 111-112) that, assuming there is such a thing as inferentially becoming a party to a treaty by conduct, the presence of a clause of "accession" or of "adhesion" "prevents" the creation of such "additional contract" by "conduct amounting to acceptance." Is not such a clause to be regarded as an invitation to accept, rather than as the prescription of an exclusive mode of acceptance? On the other hand, the loose speculations of various recent writers, as to the inferential acceptance of certain treaties, such as the Suez Canal convention and various neutralization clauses, by non-signatory and non-adhering powers, may serve to warn us of the importance of keeping such questions within the bounds of definite legal conceptions.

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The author speaks (page 112) of a treaty becoming the "basis" of a rule of "customary law," where states "concerned in its stipulations" habitually "conform" to them "under the conviction that they are legally bound to do so;" but adds that in this case the rights and obligations which were "originally conferred and imposed by treaty, have come to be conferred and imposed by a rule of law." In other words, the theory, translated into simple language, is, as we understand it, that the rule becomes obligatory upon other states, not by force of the treaty, to which they are not parties, but by their conduct in observing it "under the conviction that they are legally bound to do so." But whence are we to infer such a "conviction"? Surely not from the treaty, which confessedly is not legally obligatory upon them. The author himself appears to be quite uncertain, for under the title "Can a Conviction of Legal Necessity ever be Presumed?" he states (page 81) that it is a question "whether, in the absence of direct evidence, it is ever right to 'presume' that a nation acted in a certain way from a sense of legal necessity"; and, while remarking that "perhaps such a presumption ought in certain circumstances to be made," says that "no rule of international law exists on this point."

In this instance, as well as in numerous other instances, the author indeed appears to have been led into metaphysical and somewhat artificial methods of conjecture through tentatively assuming or suggesting that certain legal rules or speculations may by analogy be applied to situations to which no analogy is shown. This is the case with his citations (pages 6-18) of general and often indefinite declarations in various countries of the local law relating to beneficiaries, and (pages 72-95) of speculations concerning the influence of "custom" on the development of municipal law. It would, on the other hand, have been pertinent to trace the actual genesis of certain international rules, such as that of "free ships, free goods," the acceptance of which was advanced by their incorporation in treaties, without anyone's supposing that they were in any sense "imposed" on non-contractants, or that the latter adopted them under a "conviction" of legal necessity. In this relation one may profitably recur to the simple and lucid exposition of the growth of international law given in *The Paquete Habana* (1900), 175 U. S. 700.

The author speaks (page 54) of Austria's "breach" of the Treaty of Berlin in proclaiming in 1908 the annexation of Bosnia and Herzegovina, which were handed over by that treaty to Austria-Hungary to be "occupied and administered," without limitation as to time.

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On the other hand, he takes the view (pages 109-110) that the territories occupied by European powers in China, under leases for terms of years and for the most part with an express reservation of Chinese "sovereignty," are to be considered as part of the dominions of the lessees, and that the change in the relations of third powers to such territories is to be attributed, not to "the legal operation of a lease as such," but to "a change in sovereignty, either partial or complete." Furthermore, immediately afterwards (page 110), in referring again to the situation of Bosnia and Herzegovina from 1878 to 1908, he observes that in such cases the changes in the relations of third states "seem to be properly attributable to what is, for most practical purposes, a transference of sovereignty." Would one be unjustified in inferring from this that Austria's act in 1908 was, in the author's opinion, a violation of form rather than of substance, censurable perhaps chiefly because it was superfluous, and that the use in China of the form of a lease was, so far at least as concerns the European powers, an intentional disguise? It may, however, be pointed out that the lease of Kiao-chau to Germany expressly speaks of the latter's "rights of sovereignty" over "the whole of the water area of the bay," but not over the surrounding zone of 50 kilometres, wherein privileges were granted subject to a reservation of China's "rights of sovereignty."

J. B. Moore.

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BOOK NOTES

Cotton as a World Power; A Study in the Economic Interpretation of History (New York, Frederick A. Stokes Company, 1916; 452 pp.), by James B. Scherer, is an interesting book, as regards both plan and content. It "presents the case" for cotton, from the earliest times to the present. The first eleven chapters (or sections) carry the story down to the industrial revolution in England, the next ten show the transformation of England due to that revolution. The rest of the book (about half) is devoted to cotton in American history, domestic and foreign. The study is documented; the points made are brought into sharp relief; there are no words wasted in elaboration and yet the book is one of the best written, most interesting essays as yet in the relatively new field of technical history. The experiment is of interest in itself. Such surveys are necessary preliminaries to a just appraisal of the historic forces at work in the formation of the present. No synthesis of modern history can be accurate in which the history of the economic basis of power is omitted. Steam engines and cotton-gins are as much a part of the modern world as people, and more intimately involved in the structure of society than parliaments. The main reason for not bringing them into history seems to be that when they are brought in, one is so impressed by them as to forget about parliaments altogether—which results, as Germany has shown, in a world not safe for democracy. We need a golden mean between the economic and the political history, and while such books as this of Dr. Scherer are frankly emphasizing one side of the study, they may, as in this case, suggest the whole problem as well. Dr. Scherer's volume succeeds in conveying its message, because, in addition to careful work, it contains a touch of poetry. One needs the imagination at play in fields like this, and Dr. Scherer's brings both imagination and sympathetic insight. Finally, he reacts to the war-philosophy of the "materialistic" school, not by strenuously upholding any one dogma, but by recognizing the tangle of cross stimuli which makes logic so poor an interpreter of life. It is a book intended primarily for the general reader; but whoever reads it will have thought something more upon vital problems, and will probably come back to the study of the history of society with added insight.

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A considerable number of studies of women's labor in particular industries have recently appeared. Among them we note *The Boot and Shoe Industry in Massachusetts as a Vocation for Women* (Boston, Women's Educational and Industrial Union, 1915; 109 pp.); May Allinson's *Dressmaking as a Trade for Women in Massachusetts* (Boston, Women's Educational and Industrial Union, 1916; 180 pp.); Lorinda Perry's *Millinery as a Trade for Women* (New York, Longmans, Green and Company, 1916; 134 pp.); and Mary Van Kleeck's *A Seasonal Industry* (New York, Russell Sage Foundation, 1917; x, 276 pp.). In these books an excellent description is given of three important industries—dressmaking, millinery and the making of boots and shoes—in which women and girls are employed in large numbers. The general plan of each is the same: an outline of the trade and its processes; its seasonal fluctuations; the character of the labor force; wages and working conditions; and methods of learning the trade. The thorough information that these monographs contain should be of especial value to those who are interested in the vocational guidance of girls in the elementary and secondary schools. But it should have a wider appeal also; for fashion trades such as these are peculiarly dependent upon the will of the consumer, and it is to the consumer that a plea must be made in order to cope with some of their most troublesome problems. The question, for example, of irregular earnings, which arises from the highly seasonal character of the dressmaking and millinery trades, must be dealt with in part through a regularization of the demands of consumers, so as to avoid the rush of last-week orders and to extend the season of normal activity. Those who believe that a remedy for low and irregular earnings lies in constructive labor legislation will find an excellent argument for a legal minimum wage in the chapter on Public Control in the Millinery Trade in Miss Van Kleeck's study. Although the statistical material is already somewhat out of date, the intrinsic value of the studies from a social and educational point of view is in no way impaired.

Mr. Maurice Parmelee's *Poverty and Social Progress* (New York, The Macmillan Company, 1916; xv, 477 pp.) is intended primarily as a textbook for college classes. It affords a convenient compilation of the known facts with regard to a wide variety of social conditions, accompanied by running comment on the causes of bad conditions and methods proposed for their improvement. It contains little that is new, but it is likely to prove serviceable for the purpose for which it was intended.

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The Ratan Tata Foundation of the University of London is justifying its existence by the excellence of its studies of poverty and the methods of prevention and relief. *Livelihood and Poverty* (London, G. Bell and Sons, Limited, 1915; 222 pp.) by A. L. Bowley and A. R. Burnett-Hurst is a valuable study in the economics of working-class households in Northampton, Warrington, Stanley and Reading. The scientific interest of this study lies chiefly in the new method here employed. Every twentieth house in the towns studied was taken. This method of sampling had not heretofore been used, and Mr. Bowley's criticism on the accuracy of the results is of interest to the student of statistical methods, no less than to the social investigator. As Mr. Tawney remarks in his introduction, "The results obtained . . . prove that an inquiry adequate for many purposes can be made rapidly and inexpensively by a proper system of sampling." The results of the inquiry tend to confirm the conclusions of Booth and Rowntree. Out of more than three thousand children who appear in the tables, no less than 27 per cent live in families which fail to reach the low standard taken as necessary for healthy existence. The main incidence of poverty is among families where there are three or more children below school age and no subsidiary earners; hence at any given time many families have passed through the poverty stage and risen out of it when the children began to earn; while other families, recently married, will in time fall into poverty. Hence the proportion of children living in families of primary poverty at any given time is less than the proportion of children who at some time during their first fourteen years have lived under such conditions. Such facts constitute an indictment of the existing social order more serious than any that has been brought against it by its professional critics.

The young student is naturally pained to be called upon to handle involved abstractions, and so he rebels at theory. He must be given his theory in homeopathic doses, generously coated with a taste-deceiving sugar of description and lively example. But beyond a certain point economic theory cannot be simplified and, for those who have a distaste for abstraction, its palatability cannot be indefinitely enhanced. If anything like a real understanding of our modern complex economic life is to be given, the treatment must be broad enough and intense enough to accomplish that purpose. These observations are suggested by the attempts that are made to provide high-school and engineering students with proper texts on economics. Professor Henry C. Adams has, for example, recently published a little volume

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called *Description of Industry* (New York, Henry Holt and Company, 1918; x, 270 pp.) intended for this class of students. The title is a little misleading. The book is really a beginning text on economics, but a good one as far as it goes, and not without some novelty. There is a wholesome emphasis at the outset on human work as fundamental to wealth production. The book deals in a simple and direct way with the classification of industries, the legal frame-work of industry, the factors of production, machinery, motive and control in industry, with markets, prices, distribution, business organization and governmental regulation. But despite the attempt to hide it, the theory does, of course, crop out, and a summary treatment of it does not render it the more easily comprehensible. If a student is going to understand economics, he must study it. Professor Adams' book will, it is to be hoped, give the beginner a desire to understand rather than any real understanding.

Septimus, in Locke's novel, after a verbal encounter with his tumultuous friend the great patent-medicine vendor, remarked in explanation of his state of near-collapse that he had just been talking to a typhoon. Somewhat the same feeling of exhaustion comes to the reader of Arthur Kitson's *Trade Fallacies* (London, P. S. King and Son, 1917; xi, 286 pp.). The book is a collection of contributions to the English periodical *Land and Water*. The range of the subject matter is extraordinary, running the gamut from the compulsory adoption of the metric system to the economic war after the war. But more overwhelming still is Mr. Kitson's utter assurance, displayed in almost every line of his remarkably forceful and clearly written essays, that his views alone are sound and that only by acting according to his advice can Great Britain prosper. He is all for a strenuous application of the measures suggested by the Paris Conference; he ridicules J. A. Hobson and other free traders; and despite his loathing of German purposes, he admires the German method of industrial and financial organization and co-operation. But the field in which his pen dances most furiously, and fairly drips with sarcasm and ridicule, is that of English banking and the "fetish" of the gold standard. His own plan is a government monopoly of banking and government paper money! His contention that the development of London as the financial clearing house of the world has been at the cost of English industry and commerce leaves one gasping. In general both his criticisms and (alleged) constructive suggestions show an almost complete lack of appreciation of the deeper relations in economic life.

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In *The Future of South America* (Boston, Little, Brown and Company, 1915; viii, 407 pp.), Roger W. Babson has combined into a good-sized volume a variety of notes taken in the course of journeys to the southern republics and a miscellany of information otherwise gathered about Latin America, "which should be of service to those looking at this continent from a money-making, rather than from an historical, point of view." Trying to be neither pessimistic nor optimistic, the author has endeavored to tell "what statistics show the future of these countries is to be, for," in his opinion, "it is the future in which we are interested, and not the present or the past." Under these somewhat confusing geographical designations, the work discusses certain problems of a general nature relating to American commerce and investments, and deals in detail with the economic situation of the Caribbean islands and Panama, as well as of the republics of South America proper. The treatment of the theme, as the author admits (page 357), is desultory, and the style altogether colloquial. Errors in historical allusions and in the spelling of Spanish names are rather numerous. The opinions offered about political conditions savor at times of snap judgments. Were it absolutely true that "the whole foreign trade game—as it is played today—is contrary to the fundamental principles of democracy" (page 5), the outlook for the United States, in competition with Great Britain and Germany, would not be very favorable. Much of the contents of the book, nevertheless, is decidedly suggestive, and helpful to a clearer understanding of our economic relations to the countries of southern America.

Central America: Guatemala, Nicaragua Costa Rica, Honduras Panama, and Salvador (New York, Charles Scribner's Sons, 1918; 382 pp.) adds still another to the long list of treatises by W. H. Koebel on the southern republics of the New World. The volume is the latest number in the well-known "South American Series," a British publication. As the only book of its kind on the subject in English, it is indispensable to readers unfamiliar with other languages. It contains a great deal of information laboriously compiled and oddly communicated. Because the author had to handle six little countries often ebullient with commotions internal and external, he appears to think that the proper method of describing their conditions past and present is to provide an assortment of data, historical, expository, episodical, commentative and statistical, out of which the reader may select what he wants. If Mr. Koebel wished to convey the idea that Central America is a hodge-podge, he has succeeded.

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History of South America (Cleveland, Central Publishing House, 1913; 583 pp.), by W. F. Griewe, is the queerest publication about that continent which has appeared in many a day. It includes "Accounts of the Empire of the Chinese Incas, the Japanese Ancient Peruvians, the African Tribes, the Malay Aborigines," and of what is alleged to have occurred all the way from "Primitive South America of 3000 years, of which there are very complete and convincing records"(!), down to the year of imprint. In his preface the author observes that the material from which to gain information about the subject is "volumious," (*sic*) and that "each country has its own historians." These statements, however, are not quite so surprising as are the contents of the book itself.

Cuba No Puede Invocarse en Testimonio del Imperialismo Norteamericano is the title of an address delivered by Dr. Raúl de Cárdenas at a session of the American Institute of International Law held at Havana in January 1917. Its purpose is to refute assertions to the effect that the United States, while pretending to uphold the independence of Cuba, actually fomented revolution there in order to replace Spanish control by its own. The historical evidence adduced is quite sufficient to prove that, despite the passing fears of American statesmen about British or French designs on the island, and the futile efforts of American slaveholders to secure its acquisition as a State of the Union, "Cuba cannot be invoked in testimony of North American imperialism."

Fearful, apparently, lest an innocent public of English readers might be inclined to disparage their own country, because of the fulsome praise bestowed by certain accounts on the second largest republic in South America, J. A. Hammerton decided that, in his book about *The Real Argentine* (New York, Dodd, Mead and Company, 1915; xiv, 453 pp.), he would veer to the opposite extreme, singling out instead the unpleasant things for mention. Had he been somewhat less nationally self-complacent, and a little more disposed to admit that even London, in normal times, has features about its social life which suggest elimination on behalf of the general welfare, he might not have been so minutely censorious about Buenos Ayres, the "splendid city of sham" and the Argentinos. Like most writers who prefix "real" and "true" to the titles of their screeds, he is apt to confound muck-raking with reality and truth. Apart from these defects, and a certain superciliousness of attitude, the reminiscences furnished of a sojourn in Argentina and Uruguay are quite entertaining. The illustrations are handsome.

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Easily the best historical account of the relations between Great Britain and the United States with reference to Central America is *Anglo-American Isthmian Diplomacy 1815-1915.* (Washington, American Historical Association, 1916; xii, 356 pp.), by Mary Wilhelmine Williams. That it was awarded the Justin Winsor Prize in American History for 1914 indicates its intrinsic merit. Based upon documentary material, especially that in the Public Record Office at London, it describes, not negotiations on canal projects as the title might suggest, but the entire course of diplomatic activities relating to Central America at large. Its center of interest, naturally, is the Clayton-Bulwer treaty, and so long as attention is directed thither the exposition in the main is sound and convincing. But when the author attempts to deal with the situation between 1898 and 1915 the text falls into a sort of anti-climax. Her assertion that the period is "too recent for a satisfactory treatment" (page viii) is no extenuation, and her views about it betray an insufficiency of knowledge.

Thirty Years with the Mexicans: In Peace and Revolution (New York, Fleming H. Revell Company, 1917; 285 pp.), by Alden Buell Case, contains the impressions of an American missionary derived from a close study of parts of northern Mexico, his views of what has been responsible for the backwardness of the country, and his recommendations for its betterment. In the opinion of Mr. Case, the principal factor to accomplish the needed transformation is "an invasion of Christian [*i. e.* Protestant] influence." Apart from the seemingly inevitable bias of the missionary, and certain errors in statement (e. g. pages 102, 195, 196, 212, 229), the book affords an accurate, thoughtful, sympathetic description of Mexican life and character.

Among the numerous works that W. H. Koebel has written on the southern countries of the New World, *The South Americans* (New York, Dodd, Mead and Company, 1915; vii, 366 pp.) is not the best. The title would suggest a description of social conditions. Some of the opening chapters do deal with that theme; but the majority of them provide little more than the stereotyped data found in a good encyclopedia and have no bearing whatever on the specific subject. The student or general reader who wants information about the people of South America in their distinctively social aspects will not derive much satisfaction from a perusal of Mr. Koebel's casual notes and comments. His characterization of the "Monroe doctrine," as "one of the most curious proclamations, policies, theories or, indeed, whatever it may be called" (page 73), is not unbefitting the content of the present work in its relation to the heading on the title-page.

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A compilation absolutely indispensable to students of conditions in Hispanic America is the *Guide to the Law and Legal Literature of Argentina, Brazil and Chile* by Edwin M. Borchard (Washington, Government Printing Office, 1918; xii, 523 pp.). The fourth in a series of guides to foreign law published under the editorial supervision of Professor Borchard by the Library of Congress, and preceded by a similar, though unfortunately much briefer, volume devoted to Spain, it supplies a thesaurus of information systematically organized, exhaustive in scope, and invitingly presented. Copious of reference, elaborately indexed, and with substantially all phases of the subject set forth in like detail, it lightens beyond measure the task of investigators in a field where access to knowledge has been obstructed hitherto by the lack of any work of the sort. Even the best of the guides written by natives of the three countries considered is apt to be as difficult of use as the present volume is easy. In it the practising lawyer and the students of comparative jurisprudence, the legislator and the man of affairs, the economist and historian will all find an abundance of data serviceable in every respect. The work, indeed, is a tribute to the knowledge and ability of its compiler. Given its magnitude, the wonder is that so few errors, misconceptions and omissions are noticeable. An exacting historian, however, might venture to question whether Chile, in common with the other republics of Hispanic America, except Argentina, Brazil, Mexico and Venezuela, as they are today, have made the United States the "prototype for their constitutions" (page 3), and whether several statements in the introduction to the account of Brazil can be verified. Along with the political scientist, also, he regrets that Professor Borchard did not discuss, even superficially, the "result of the implantation of exotic institutions in new soil," to which his preface alludes in so tantalizing a fashion.

Still another example of the excellent work done at the University of California in that portion of American history which is closely associated with the fortunes of Spain is the monograph of Herbert Ingram Priestley, on *José de Gálvez, Visitor-General of New Spain (1765-1771)* (Berkeley, University of California Press, 1916; vii, 449 pp.). Drawn largely from archival material, the text contains both a biography of the eminent statesman and a record of his official career in the viceroyalty. Moreover, it affords a singularly lucid explanation of a special phase of Spanish colonial administration about which extremely little is known. It stands, indeed, as the sole authority on the subject. Even the introductory chapters, where generalization might conduce to erroneous statement, are very well written.

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Spanish Exploration in the Southwest, 1542-1706 (New York, Charles Scribner's Sons, 1916; xii, 487 pp.), edited by Herbert Eugene Bolton, is a scholarly addition to the standard series of *Original Narratives of Early American History*. Two-thirds of the documents it supplies are here printed for the first time in English translation, and about half of these have hitherto been available only in manuscript. All of them are provided with introductions and notes that reveal the most painstaking effort to render them accurate and luminous. The maps, also, are of unusual service. To the student of the history of California, Arizona, New Mexico and Texas under Spanish rule the volume furnishes a wealth of information about expeditionary movements in a period and among localities that Professor Bolton, with so much success, has made his particular field of inquiry.

Another contribution to scholarship which testifies to the enthusiasm and ability of the group of young investigators whom Professor Bolton has trained, no less than to the advantages that proceed from a local environment encouraging to highly specialized research, is the monograph by Charles Edward Chapman on *The Founding of Spanish California: the Northwestward Expansion of New Spain, 1687-1783* (New York, The Macmillan Company, 1916; xxxii, 485 pp.). Though not without predecessors in the same area and period, it certainly is without rivals. None of the previous writers—not even the laborious and meticulous compilers of the Bancroft *monumenta*—ever saw fit to draw from the ultra-original sources in the Spanish archives. This Professor Chapman has done with a thoroughness of analysis, an elaborateness of exposition, a regard for scientific precision, and a cogency of explanation which attest the efficacy of his task of research. The book amply fulfils the twofold object of its composition: to trace the influences that were responsible for the ultimate acquisition by the United States of its territory on the Pacific coast, and to present a detailed account of a Spanish experiment in colonization from a political standpoint.

Japan at the Cross Roads (New York, Dodd, Mead and Company, 1917; 362 pp.), by A. M. Pooley, forms part of a projected volume on conditions in that country during the early years of the reign of the present emperor. Its chapters on matters political, economic, social and religious aim to set forth the actual state of affairs and to indicate the forces that are moulding public opinion. The author, a British journalist and formerly Reuter's correspondent at Tokio, bases his statements on notes taken during his residence there and on

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the files of certain newspapers. The work, indeed, is a collection of notes, rather than a well-rounded presentation of the topics considered. A bit repetitious, dogmatic at times, and not always written in such a manner as to make the subject matter fit the chapter headings, much of what Mr. Pooley has to say, nevertheless, is alike readable and illuminating. Its spirit in the main is critical, to the extent even of being quite anti-Japanese. The attitude, doubtless, is due partly to certain unpleasant experiences of a personal sort, and partly to the author's belief that radical improvements must be effected before Japan can rightfully claim moral and social recognition as a thoroughly civilized nation.

Miss Agnes Laut's *Canadian Commonwealth* (Indianapolis, The Bobbs-Merrill Company, 1915; 343 pp.) is the second volume published in *The Problems of the Nations* series, edited by Paul Leland Haworth. It is only by its title, unfortunately, that it suggests a comparison with Bryce's classic treatise on the United States. The book contains some good bits of description, but is full of a callow and blatant nationalism. In appropriately breezy style Miss Laut parades the resources of Canada and the virtues of its people. She knows no chastening fear of jingoism, and appears to think she has paid the highest possible compliment to Canadian patriotism when she calls it "fanatical." One constantly wishes that she would occasionally permit what she calls the "sleeping potentialities of the Dominion" to sleep, but she never does. On the whole she displays little insight into the social and industrial problems of Canada.

John T. Richards has written *Abraham Lincoln, The Lawyer-Statesman* (Boston, Houghton Mifflin Company, 1916; vii, 260 pp.) to prove that, contrary to a frequently expressed opinion, Lincoln was a great lawyer and that his mastery of legal principles made him a great president (page 92). Cases in his practice are painstakingly reviewed, which show his sense of justice and his understanding of the spirit of the law, though marked by little erudition in citations. The author explains his hero's views on trade unions, apologizes for his favoring woman suffrage ("he was but twenty-seven years of age"), and sets forth his doctrines on the veto and amendments. He states that Lincoln "never in a single instance sought to control Congress by external influence" (page 106), and that his so-called assaults "upon the courts will be found upon examination to have been limited to condemnation of individual judges" (page 166). The book is argumentative throughout, but chiefly valuable for its demonstration of Lincoln's importance as a member of the Illinois bar, in which connection a good many documents are printed.

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Biographies of Lincoln will soon become so numerous that libraries will need their specialists in this great branch of literature. Certain of them try to throw some light of information on one or another hidden point of this heroic character; others are content to tell the old, old story in as fresh and readable a way as possible. In this latter class Rose Strunksy's *Abraham Lincoln* (New York, The Macmillan Company, 1914; xxxv, 331 pp.) is successful. Although apparently no new material has been employed, the point of view is somewhat different from that of previous biographers. Lincoln is presented as a westerner deeply concerned that the safety of the small landholder shall not be menaced by the spread of slave-plantations. "The history of America is the history of land speculation," observes the author, and she maintains that in that day when millionaires of stocks and bonds had not grown formidable, the opportunity to acquire land was thought to be the most important guaranty of liberty and "the democracy of the small white farmer" (pages xviii, 259-262, 271, 309). Miss Strunksy charges northern capitalists, however, with taking advantage of the victory for such liberty to impose an economic subjection upon the reconstructed southern states, whose resumption of white government they purposely delayed (pages 236, 239); but though this interesting guess is offered with an assurance that is proper only to attested fact, no evidence is mentioned. The story of Lincoln's own development is so delightfully presented as to make it one of the best biographies for young readers who would learn the secret of his influence. Poor proof-reading sometimes mars the book.

Dr. James Ford Rhodes' *History of the Civil War 1861-1865* (New York, The Macmillan Company, 1917; xxi, 454 pp.) is something more than an abridgment of the third, fourth and fifth volumes of his great work on the history of the United States from 1850 to 1877. It is a fresh study of the subject in which the author has used his own work as one of many authorities. Nevertheless, in spite of the fact that he has drawn some material from nearly all the books that have been published since his earlier volumes appeared, in the main his conclusions do not differ very widely from those arrived at in the larger and older work. With the exception of two chapters on economic and social conditions in the North and South, the author limits himself almost entirely to military affairs. Within this scope, however, the book will at once take its place as one of the best accounts of the subject and will be found useful alike to students, teachers, and indeed anyone who wishes to refresh and add to his knowledge of Civil War military matters.

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Students of war finance should have their attention called to the valuable report, No. 4133, of the French Chamber of Deputies made by M. Louis Marin in the name of the Budget Commission to examine French fiscal projects for 1918 (*Chambre des Députés; onzième Législature, Session de 1917. Rapport fait au nom de la Commission du Budget d'examiner le projet de loi portant fixation du Budget Ordinaire des Services Civils de l'exercice 1918. Rapport Général par M. Louis Marin, Député. Paris, 1917*). This report, which was published at the beginning of this year, gives not only a clear picture of all the recent fiscal changes in France as well as the projects for the coming year, but contains what is by all odds the fullest and most valuable account of the history of the war finances of each of the many belligerent nations, including even Turkey, Roumania, and Servia.

Achille Loria of the University of Turin is an economic philosopher of world-wide reputation. In 1912 the Nobel Institute published a brochure by him, *Les Bases Économiques de la Justice Internationale*, which attracted wide attention. The present conflict, it is believed by many, confirms Professor Loria's theories regarding the economic aspects of the war, and so Professor Loria was asked in 1916 to prepare a supplementary chapter on the present conflict. In *The Economic Causes of War* (Chicago, C. H. Kerr and Company, 1918; 188 pp.) a translation of the original essay with the supplementary chapter is given. The translation is by Mr. John Leslie Garner. While many have supposed that in sundry directions the war has greatly undermined the doctrine of economic determinism, Professor Loria endeavors to show that it has instead greatly strengthened at least his own interpretation of this doctrine. Moreover, a careful reading of the essay does much to convince one of the soundness of Professor Loria's view.

A number of the speeches delivered by General Smuts during the course of his mission to England as representative of South Africa in the Imperial Conference of 1917 have been published in pamphlet form as *War Time Speeches* (New York, George H. Doran Company, 1917; x, 116 pp.). They deal with subjects related to the war, especially with the British Commonwealth and a League of Nations. Smuts views the British Commonwealth as a community of states and nations, and looks for its preservation to sentiment and public opinion rather than to political machinery. Only by the same forces, he believes, can any future League of Nations be made permanent. The problem of world peace, as he sees it, is one of psychology rather than of political mechanics of any kind.

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Economists not infrequently call attention to the deficiencies in the traditional education of lawyers; and lawyers have been known to refer to to the ignorance of economists and to their inability to deal satisfactorily with legal problems. Doubtless both are right. Many lawyers fail to understand the importance of economic considerations in the solution of problems arising under the common law or under statutes and constitutions. And economists often miss the point of judicial decisions and betray their own ignorance rather than the ignorance of lawyers and judges whom they criticize. Law and economics have many a common because of vicinage, where joint tillage by lawyers and economists would improve both the crops and the cultivators. In such a common, lie the problems arising from restraint of trade. Hitherto the field has been pre-empted by the economists, so far as teaching is concerned. What lawyers have learned about restraint of trade has been in time of need during their career at the bar. This vacuum in their law-school education is now being filled in a number of our law schools. Albert M. Kales, a member of the Illinois bar, formerly professor of law in Harvard University, has given the necessary apparatus in his collection of *Cases on Contracts and Combinations in Restraint of Trade* (Chicago, Callaghan and Company, 1916; two volumes; xiv, 1–648, 649–1280 pp.). Volume one and about 100 pages of volume two are devoted to the common law; while the remainder of the collection consists of cases arising under the Sherman Law and the Clayton Act, with a brief chapter presenting problems connected with patents and copyrights and their collision with anti-trust legislation. The editor's classification of the material is of substantial service in clarifying the problems which the subject raises. By a number of valuable contributions in recent legal periodicals, Mr. Kales has also aided students and teachers who approach the subject for the first time. His articles and his collection of cases make fully applicable to the field of restraint of trade the familiar maxim, *Ignorantia legis neminem excusat.* It is to be hoped that the study of the legal aspects of restraint of trade will soon find a place in the curricula of all our law schools and our graduate departments of economics.

The Man versus The State (New York, Mitchell Kennerly, 1916; xi, 357 pp.) is the title of a collection of Herbert Spencer's essays, selected and edited by Mr. Truxton Beale, "with critical and interpretative comments" by Mr. Beale, William Howard Taft, Charles W. Eliot, Elihu Root, Henry Cabot Lodge, David Jayne Hill, Nicholas Murray Butler, E. H. Gary, Harlan F. Stone, and the late Augustus P. Gardner. The comments lean more to the interpretative than to

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the critical. As the jacket tells us: "This is a book for conservatives — a book for them to buy and to read and to talk about and to pass on to their friends, the fundamental philosophy of conservatism." Mr. Root tells us that "if we proceed further to consider the great body of laws which have been enacted in recent years by our national and state legislatures, we shall find that many of them go beyond the limits of power which on sound political principles government ought to exercise in restraint of the liberty of the individual citizen" (page 6). Mr. Lodge warns us that the various measures of a socialistic kind extending governmental activities are breaking down our constitutional limitations and are intended to do so. "It is well," he adds, "for us to stop and consider whether it is wise to destroy the Government which Washington founded and which Lincoln saved" (page 35). Mr. Butler says that "Nature's cure for most social and political diseases is better than man's, and without the strongest reasons the government should withhold its hands from everything that is not, by substantially common consent, a matter of governmental concern and governmental action" (page 180). Most of the gentlemen whom Mr. Beale has selected as his collaborators are "from Missouri", in their general attitude towards legislation. Their comments would have gained in value by being more specific. The profanation of the philosophy of individualism by the opponents of conscription has made it important that that philosophy be re-interpreted in terms which are sufficiently purged of generalities so that the devil will have a hard time in quoting scripture for his purpose.

The connection between ethical problems and the problems of economics, sociology and politics, is obviously close. In earlier days the same writer was accustomed to deal with all of them. Modern specialization tends to prevent this, and indeed the detailed treatment of all the fields by one man is impossible. But the gains of specialization have been to no small degree offset by the failure of specialists in each field to keep informed concerning conclusions reached in the other specialties. When the economist needs to make assumptions regarding moral principles, he is apt to formulate them himself, or to draw them from the work of earlier economists. An enormous lot of more or less futile work is done in every field of social science by men who do not know that the problems they are working with have been better dealt with already by men working in related fields. Recent students of ethics have been more aware of this than have many men in the related fields of social science. Modern ethics, emancipated from theology, not more closely related to philosophy and

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psychology than are economics and sociology, has become definitely a social science. W. G. Everett's *Moral Values* (New York, Henry Holt and Company, 1918; xiii, 439 pp.) is one of the very best recent treatments of ethics from this new standpoint. It bases morality on the needs of social life. It is perhaps unique in the thoroughgoing application of the conception of *value* to morality — finding in the economist's tool of thought also the best tool for ethics. Morality is conceived of as a problem of maximizing and organizing the actual values found in human life. That these values vary from time to time and from place to place, changing in accordance with laws of social psychology, is fully recognized. The book is characterized by many excellences not easily described in a brief review. It is clear. The style is finished, often vivacious, at times eloquent. The concrete treatment of human problems unconsciously reveals the sanity and poise of a man who has dealt largely and well with human affairs. Even the treatment of such well-worn themes as free-will and the problem of evil—stock in trade of the moral philosopher—is fresh and interesting. The economist will feel that the value concept might have been more effectively used had the marginal principle been more explicitly developed.

The Memoirs of Colonel John S. Mosby (Boston, Little, Brown and Company, 1917; xxi, 414 pp.) is a rather entertaining, but not very important contribution to the history of our Civil War. One may derive from the volume a good idea of the personality and methods of one who achieved much reputation as a partisan leader of the Confederates. The spirit in which his operations and adventures are described is praiseworthy for its moderation and striving for truthfulness. At the same time no little of the nervous energy and mental alertness that carried him through his triumphs in the war appears in the narrative that he composed in advanced age half a century later. Perhaps the least impressive chapter of the book is that in which the author passes from reminiscence to scientific military criticism and essays a decisive judgment on the part of Stuart's cavalry in the Gettysburg campaign.

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